

to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of House bill 17147—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the same, favoring an increase of the United States Navy—to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany House bill 5209, to correct the military record of Alexander Bennett—to the Committee on Military Affairs.

Also, affidavit to accompany House bill relating to the claim of William B. Smith—to the Committee on War Claims.

Also, affidavit to accompany House bill relating to the claim of Andrew Roberts—to the Committee on War Claims.

By Mr. REEDER: Resolution of the annual convention of the Kansas State Temperance Union for restriction in the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. RICHARDSON of Alabama: Petition of citizens of Jackson County, Ala., for the relief of G. M. Hawkins and others—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Diamond Medicine Company, Buffalo, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Protest of certain taxpayers and residents of Arizona against cession of that part of Arizona north of the Colorado River, near westerly boundary of Arizona, to the State of Utah—to the Committee on the Territories.

By Mr. SULZER: Petition of Independent Tobacco Manufacturers' Association, in favor of House bill 16457—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of Independent Tobacco Manufacturers' Association, in support of House bill 16457—to the Committee on Ways and Means.

Also, resolution of the American Protective Tariff League, in relation to reciprocity—to the Committee on Ways and Means.

SENATE.

THURSDAY, February 26, 1903.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

FIRST CUSTOMS CONGRESS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, relative to the proceedings of the First Customs Congress of the American Republics, held at New York in January, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, February 25, 1903.

CONDITION OF LABOR CLASSES IN HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Labor, transmitting, pursuant to law, a report upon the commercial, industrial, social, educational, and sanitary condition of the laboring classes of the Territory of Hawaii; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

SCHOONER TABITHA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Tabitha*, Daniel Gould, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

BRIG POMONA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Pomona*, Reuben Coffin, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McCUMBER. Mr. President, I wish to give notice at this time that immediately at the close of the morning business I shall

move to proceed to the consideration of House bill 3109, the pure-food bill.

Mr. WARREN. This morning?

Mr. McCUMBER. Yes, sir.

Mr. WARREN. I ask the attention of the Senator from North Dakota to the notice which I gave yesterday, that I would ask immediately following the morning business to take up half a dozen small House claims bills which it is necessary to have passed to-day in order that they may receive the attention of the Executive and be duly referred to the departments for report before approval or disapproval.

Mr. McCUMBER. The notice does not appear upon the Calendar.

Mr. WARREN. It was given, nevertheless. It is in the RECORD.

Mr. TILLMAN. We did not hear the statement of the Senator from North Dakota. The notice is for what time?

Mr. BLACKBURN. Immediately after the morning business.

Mr. TILLMAN. To-day?

Mr. McCUMBER. This morning.

Mr. SPOONER. What are the claims bills?

Mr. WARREN. They are House bills paying claims of a few hundred dollars each which, as is the case with all claims bills, must go from the White House to the various departments for investigation and return before they can be considered.

Mr. SPOONER. Are they bills which have already passed the Senate in a former Congress?

Mr. WARREN. A part of them have and a part of them have not.

Mr. SPOONER. They are bills reported by the Committee on Claims?

Mr. WARREN. They are bills reported by the Committee on Claims, and they are all House bills.

Mr. SPOONER. Are they Court of Claims bills?

Mr. WARREN. Some of them are Court of Claims and some are miscellaneous. They are mainly miscellaneous.

The PRESIDENT pro tempore. The regular order is the presentation of petitions and memorials.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislature of Arizona, remonstrating against the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; which was ordered to lie on the table and to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, Territory of Arizona, ss:

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 2 of the twenty-second legislative assembly of Arizona, which was filed in this office the 20th day of February, A. D. 1903, at 9.40 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 20th day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,

Secretary of the Territory of Arizona.

To the Senate and House of Representatives of the United States:

Your memorialists, the twenty-second legislative assembly of the Territory of Arizona, respectfully represent that—

Whereas a bill is now pending before the Congress of the United States providing for the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; and

Whereas the legislative assembly of the State of Utah has recently sent commissioners from that State to secure, if possible, the assent of the legislative assembly of the Territory of Arizona to such annexation; and

Whereas the members of this legislature, having carefully investigated the matter and being fully advised, declare that the territory sought to be acquired by the State of Utah from Arizona comprises an area nearly as large as the State of Massachusetts; that it is rich in mineral resources, containing vast areas of valuable timber and grazing lands, and thousands of acres of land that can readily be brought under cultivation by a system of water storage and irrigation; that said tract is of inestimable value and importance to the Territory of Arizona as a source of revenue and a field of industry and husbandry; and

Whereas the said tract is traversed from east to west by the Grand Canyon of the Colorado River, the most marvelous and majestic of all nature's handiwork, of world-wide fame, and which has always been peculiarly and exclusively an Arizona endowment;

Therefore, your memorialists respectfully declare that the people of the Territory of Arizona, through the members of their legislative assembly, are unalterably opposed to the annexation of any portion of said tract to the State of Utah, and earnestly protest against the enactment by Congress of any measure designed to accomplish such purpose, and request that the domain of Arizona be protected by Congress against the proposed unjust and indefensible encroachment by the State of Utah.

That the secretary of the Territory be directed to forward one copy of this memorial to the President of the Senate, one copy to the Speaker of the House, and one copy to our Delegate to Congress.

THEODORE T. POWERS,

Speaker of the House.

EUGENE S. IVES,

President of the Council.

I hereby certify that the within is a true copy of house memorial No. 2.

CURT W. MILLER, Chief Clerk.

Filed in the office of the secretary of the Territory of Arizona this 20th day of February, A. D. 1903, at 9.40 a. m.

ISAAC T. STODDARD,

Secretary of Arizona.

Mr. BURTON presented a petition of the Woman's Christian Temperance Union of Winfield, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Local Division No. 141, Brotherhood of Locomotive Engineers, of Ellis; of Local Union No. 17, American Federation of Labor, of Topeka, and of Carpenters and Joiners' Local Union No. 458, American Federation of Labor, of Lawrence, all in the State of Kansas, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the petition of S. H. Hamilton and sundry other citizens of Clifton, Kans., and the petition of J. O. Peebler and sundry other citizens of Meriden, Kans., praying for the enactment of legislation making \$12 the minimum for all pensioners of the civil war instead of \$8, as now exists; which were referred to the Committee on Pensions.

Mr. CULLOM presented a petition of the Central Labor Union, American Federation of Labor, of Mattoon, Ill., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Spring Hill, Prophetstown, Wyandot, Marshall, Chicago, Rockford, Vandalia, Philo, Lamolite, Jacksonville, North Henderson, Norwood, Lean, Payson, Bloomington, and Decatur, all in the State of Illinois, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Strauss Brothers Company, of Chicago; of the Strickland Company, of Chicago, and of F. Korbel & Bros., of Chicago, all in the State of Illinois, remonstrating against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. GAMBLE presented a petition of the congregation of the First Congregational Church of Albee, S. Dak., and a petition of the congregation of the Congregational Church of Flandreau, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petition of G. H. Brown and other citizens of Northville, S. Dak., praying for the enactment of legislation giving to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. NELSON. I present resolutions of the legislature of the State of Minnesota in favor of the enactment of legislation placing lumber on the free list and for the complete and absolute repeal of all tariff duties pertaining to that industry. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas the philosophy and policy of protection was violated when lumber was placed upon the protected list, and is being violated by retaining it upon such list; and

Whereas the existence of a tariff upon lumber is a constant menace to the existence of our forests and offers a premium for their destruction; and

Whereas the supply of standing or growing timber was originally limited in amount and has always been a diminishing quantity, and no adequate or practical steps or measures have ever been taken or devised or adopted in this country to preserve our forests or lumber supply or to restock any of the cut-over areas; and

Whereas the constant diminution of our forest areas is a direct menace to the existence of our water supply, and by their destruction the arid belt in this country is annually increasing, and the existence of our forests is essential to the perpetuity of our lakes and streams, and to maintain the water supply essential to irrigation and for general use and comfort; and

Whereas the supply of standing and growing timber in this State and in many if not all of the Northwestern lumber-producing States will not last to exceed ten years at the present rate of destruction, and there is no present sign of abatement of such destruction, but, on the contrary, there is evident on every hand an intention and disposition on the part of those engaged in lumbering operations to completely and within the shortest possible period of time lay bare our pine lands under the invitation and protection of the lumber tariff; and

Whereas lumber is not a product or industry entitled to protection upon any theory or principle for the reason that the supply is not produced or increased by human agencies, but is produced by taking from the public domain a product and wealth placed there by nature unaided by human agencies, and the supply has always been diminishing and has now reached the verge of annihilation, and the complete annihilation of which can only be postponed or prevented by the repeal of the unjust and nefarious lumber tariff; and

Whereas we shall soon be completely at the mercy of the foreign producer of lumber and entirely dependent upon the foreign product for our supply; and

Whereas the price of lumber is constantly increasing and the domestic supply is wholly inadequate to meet existing demands at reasonable rates and prices, and the existing tariff duties are largely, if not wholly, responsible for the present exorbitant and extortionate prices of lumber and practically shut out the foreign product and effectually stifle competition; and

Whereas there is not now and never has been any valid reason or excuse for the existence of any tariff duties upon lumber, and the same should at once and forever be completely and fully abolished and repealed: Therefore,

Resolved (the house concurring), That our Senators and Representatives in Congress be, and they hereby are, requested and petitioned to forthwith initiate and work for such legislation in our National Congress as will at once secure the placing of lumber upon the free list and the complete and absolute repeal of all tariff duties pertaining to the same.

Resolved, That a duly authenticated copy of this resolution be, immediately upon its adoption, forwarded to each of our Senators and Representatives in Congress.

Adopted by the senate January 27, 1903.

Adopted by the house January 30, 1903.

I hereby certify that the above is a true and correct copy of concurrent resolution passed by both houses of the Minnesota legislature as indicated above.

S. A. LANGUM,
Secretary of the Senate.

Mr. NELSON presented a petition of American Star Lodge, No. 147, Order of B'rith Abraham, of Minneapolis, Minn., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Sleepy Eye, Minn., and a petition of the Woman's Christian Temperance Union of Brownsdale, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. BLACKBURN presented the petition of John W. Lewis, late captain, Fourth Kentucky Volunteers, and sundry other citizens of the United States, praying that their claims for services rendered during the civil war be referred to the Court of Claims under the so-called Tucker Act; which was referred to the Committee on Claims.

Mr. WARREN presented a petition of Cheyenne Lodge, No. 46, Boiler Makers and Iron Ship Builders, of Cheyenne, Wyo., praying for the passage of the so-called ship-subsidy bill; which was referred to the Committee on Commerce.

Mr. KEAN presented a memorial of the congregation of the Presbyterian Church of New Gretna, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 4, of Trenton; of Local Union No. 49, of Trenton, and of Local Union No. 45, of Trenton, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Somerville; of Joel W. Brown, of Jersey City; of William Potts, of Orange; of the Woman's Christian Temperance Union of Mantion; of Thomas M. Moore, of Passaic; of John H. Robertson, of Paterson; of Adolphus Lamson, of New Gretna; of J. Walter Pancoast, of Sharptown; of William T. Decker, of Newark; of the Woman's Christian Temperance Union of Hadonfield, and of sundry citizens of Ridgewood, all in the State of New Jersey, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. HOAR. I present sundry petitions signed by the presidents and professors of a large number of American colleges, in addition to those presented heretofore by me, praying that a committee be appointed to inquire into conditions in the Philippines, so that the American people may know the exact condition of affairs in those islands. I move that the petitions be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. HOAR presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., praying for the enactment of legislation to prohibit the importation of liquors into prohibition territory; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and grounds; which was referred to the Committee on Public Building and Grounds.

He also presented the petition of James S. Cowden, of Washington, D. C., praying for the enactment of legislation providing for the abolition of capital punishment by the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of White Cottage, Mount Perry, Brownsville, Zanesville, and South Zanesville, all in the State of Ohio, and of sundry citizens of Rochester, N. Y., praying for the repeal of the Chinese-exclusion law; which was referred to the Committee on Foreign Relations.

Mr. FAIRBANKS presented a memorial of the Wholesale Liquor Dealers' Association of Indianapolis, Ind., remonstrating

against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Coopers' Local Union No. 164, American Federation of Labor, of Haubstadt, Ind., and a memorial of Coopers' Local Union No. 12, American Federation of Labor, of Evansville, Ind., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on eighth kegs of beer; which were referred to the Committee on Finance.

He also presented a petition of the State Bar Association, of Indianapolis, Ind., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the ratification of the pending Hay-Bond Newfoundland reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. HANNA presented petitions of the Journeymen Stone Cutters' Association of Youngstown; of the Cooperative Trades and Labor Council of Hamilton; of Carpenters and Joiners' Local Union No. 676, of Norwood; of the Akron Central Labor Union, of Akron; of Musicians' Protective Association No. 111, of Canton; of Akron Printing Pressmen's Union No. 42, of Akron; of Core Makers' Local Union No. 7, of Cleveland; of International Leather Workers' Local Union No. 55, of Marietta; of the Lorain Trades and Labor Council, of Lorain; of Carpenters and Joiners' Local Union No. 667, of Cincinnati; of Screw Makers' Union No. 23, of Dayton; of Carpenters and Joiners' Local Union No. 589, of Chillicothe; of the Trades and Labor Assembly of Springfield; of International Brotherhood of Electrical Workers' Local Union No. 54; of Laborers' International Protective Union No. 73, of Sidney; of the Trades and Labor Council of Salem; of the Trades and Labor Assembly of Massillon; of Niles Lodge, No. 16, of Niles; of Cigar Makers' Protective Union No. 43, of Urbana; of International Association of Machinists, Local Union No. 407, of Canton; of International Association of Machinists, Local Union No. 162, of Cincinnati, and of the Central Labor Union of Lorain, all of the American Federation of Labor, in the State of Ohio, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Cleveland Steel Casting Company, of Cleveland; of the B. F. Goodrich Company, of Akron; of the James E. Thomas Company, of Newark; of the Merrell Manufacturing Company, of Toledo; of the Samuel C. Tatum Company, of Cincinnati; of the Buckeye Iron and Brass Works, of Dayton; of the Marion Steam Shovel Company, of Marion; of the Triumph Electric Company, of Cincinnati; of the United Brethren Publishing House, of Dayton; of the Robbins & Meyers Company, of Springfield; of the Cleveland Stamping Tool Company, of Cleveland; of the Davis Sewing Machine Company, of Dayton; of the J. Joyce Cridland Company, of Dayton; of the United States Bung Manufacturing Company, of Cincinnati; of the J. M. Skinner Bending Company, of Toledo; of the Berger Manufacturing Company, of Canton; of the Lunkenheimer Company, of Cincinnati; of the Monarch Stove and Manufacturing Company, of Mansfield; of the McSherry Manufacturing Company, of Middletown; of Dana & Co., of Cincinnati; of Manufacturers' Club, of Cincinnati; of the Ault & Wiborg Company, of Cincinnati; of the W. I. Clark Company, of Salem; of the Silve Manufacturing Company, of Salem; of the F. M. Watkins Company, of Cincinnati; of the Riverside Foundry Company, of Cleveland; of the Akron Cultivator Company, of Akron; of the Hinde & Dauch Paper Company, of Sandusky; of the Sandusky Foundry and Machine Company, of Sandusky; of the Philip Garen Manufacturing Company, of Lockland; of the Sidney Steel Scraper Company, of Sidney; of the Taylor & Boggis Foundry Company, of Cleveland; of the Troy Carriage Sun Shade Company, of Troy; of the Barnett Carriage Company, of Cincinnati; of J. A. Fay & Egan Company, of Cincinnati; of the I. & E. Greenwald Company, of Cincinnati; of the Gilliam Manufacturing Company, of Canton; of the Mead Paper Company, of Dayton; of the Cincinnati Milling Machine Company, of Cincinnati; of the Warner & Swasey Company, of Cleveland; of the Butcher & Gibbs Plow Company, of Canton; of the National Cash Register Company, of Dayton; of the Perkins Campbell Company, of Cincinnati; of the Aultman & Taylor Machinery Company, of Mansfield; of the Vulcan Iron Works Company, of Toledo, and of the E. L. McClain Manufacturing Company, of Greenfield, all in the State of Ohio, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Rev. J. R. Keyes, pastor Methodist Episcopal Church, of Uhrichsville; of W. D. Starkey, of Conneaut; of Rev. M. LeSourd, pastor Methodist Episcopal Church, of Milford; of Rev. John I. Wean, pastor Methodist Episcopal

Church, of Bryan; of Rev. Ulysses G. Humphreys, pastor Broadway Methodist Episcopal Church, of Middletown; of A. R. Chapman, pastor Methodist Episcopal Church, Steubenville; of W. A. Deaton, pastor of Madisonville Methodist Episcopal Church, Cincinnati; of Carl G. Doney, pastor King Avenue Methodist Episcopal Church, Columbus; of D. W. Knight, pastor First Methodist Episcopal Church, Bellaire; of J. M. Miles, presiding elder Lima district, Lima; of P. P. Pope, pastor First Methodist Episcopal Church, of Vanwert; of Homer J. Smith, pastor Methodist Episcopal Church, of Ironton; of B. F. Jackson, pastor Methodist Episcopal Church, of Ironton; of A. J. Hawk, pastor Gilman Avenue Methodist Episcopal Church, Marietta; of J. W. King, presiding elder Youngstown district, Youngstown; of W. H. Dickerson, pastor First Methodist Episcopal Church, Kent; of William W. Lance, presiding elder Findlay district, Fostoria; of F. V. Brown, presiding elder of Hillsboro district, Hillsboro; of Arthur E. Johnson, presiding elder of Gallipolis district, of Gallipolis; of J. P. Porter, pastor Methodist Episcopal Church, of Jamestown; of J. S. Griffith, pastor Methodist Episcopal Church, Hamden; of C. B. Henthorne, presiding elder of Uhrichsville district, of Uhrichsville; of M. J. Slutz, presiding elder of Barnesville district, of Barnesville; of F. A. Domer, pastor Methodist Episcopal Church, East Palestine; of J. W. Wright, pastor Mount Vernon Avenue Methodist Episcopal Church, Zanesville, all in the State of Ohio; and of J. Y. Reid, presiding elder Mount Carmel district, Carmi, Ill.; of Rev. Edwin A. Schell, presiding elder, Crawfordsville, Ind.; of W. A. Hall, pastor Methodist Episcopal Church, Stevens Points, Wis.; of S. C. Leavell, pastor Fulton Street Methodist Episcopal Church, Chicago, Ill.; of W. W. Stevens, pastor Park Avenue Methodist Episcopal Church, Kenosha, Wis.; of W. I. Cogshall, pastor First Methodist Episcopal Church, Benton Harbor, Mich.; of Charles C. Elson, pastor Methodist Episcopal Church, Lancaster, Ohio; of W. A. Angle, pastor Grand Avenue Methodist Episcopal Church, Kansas City, Mo.; of H. G. Jackson, pastor Methodist Episcopal Church, Chicago, Ill.; of R. F. Holnay, pastor Trinity Methodist Episcopal Church, Boston, Mass.; of W. C. Lovett, editor Wesleyan Christian Advocate, Atlanta, Ga.; of C. King, pastor Methodist Episcopal Church, Newcastle, Ind.; of H. T. Quigg, pastor Foretz Memorial Church, South Bethlehem, Pa.; of Charles W. Baldwin, presiding elder West Baltimore district, Methodist Episcopal Church, Baltimore, Md.; of J. F. Dobbins, pastor Montclair Methodist Episcopal Church, Montclair, N. J.; of H. G. Leonard, pastor First Methodist Episcopal Church, Fargo, N. Dak.; of C. E. Mendeville, presiding elder Chicago northern district, Chicago, Ill.; of James W. Anderson, presiding elder Cameron district, Chillicothe, Mo.; of E. S. McChesney, presiding elder Janesville district, Janesville, Wis.; of C. H. Dunton, principal Troy Conference Academy, Poultney, Vt.; of R. W. Van Schoick, presiding elder Niles district, Coldwater, Mich.; of G. E. Reed, president Dickinson College, Carlisle, Pa.; of F. A. Chapman, pastor First Methodist Episcopal Church, Big Rapids, Mich.; of Edwin George, pastor Methodist Episcopal Church, Dalton, Mass.; of M. H. Chamberlin, president of McKendree College, Lebanon, Ill.; of A. H. Eberhardt, pastor Methodist Episcopal Church, Freehold, N. J.; of A. W. Harris, director the Jacob Tome Institute, Port Deposit, Md.; of Herbert E. Foss, pastor Arch Street Methodist Episcopal Church, Philadelphia, Pa.; of G. W. Izer, pastor Methodist Episcopal Church of the Covenant, Philadelphia, Pa.; of W. J. McKay, pastor Methodist Episcopal Church, Waukegan, Ill.; of John H. Newland, pastor First Methodist Episcopal Church, Willimantic, Conn.; of G. W. Carter, pastor Methodist Episcopal Church, Sea Cliff, N. Y.; of C. W. Millard, presiding elder New York district, Yonkers, N. Y.; of Sherman Powell, pastor Methodist Episcopal Church, Redkey, Ind.; of F. M. Van Treese, presiding elder Methodist Episcopal Church, Alton district, Lebanon, Ill.; of J. G. Dee, pastor Methodist Episcopal Church, Jerseyville, Ill.; of W. P. Davis, presiding elder Trenton district, Methodist Episcopal Church, Camden, N. Y.; of Norman LaMarsh, pastor Knight Memorial Church, Calais, Me.; of Charles B. Taylor, presiding elder Methodist Episcopal Church, Bloomington, Ill.; of J. W. Cain, pastor Methodist Episcopal Church, Peru, Ind.; of C. A. Brook, presiding elder Lafayette district, Lafayette, Ind.; of E. K. Towle, pastor Methodist Episcopal Church, Rantoul, Ill.; of J. C. Arbuckle, pastor Methodist Episcopal Church, Washington Court-house, Ohio; of G. W. Flagge, pastor Methodist Episcopal Church, Paxton, Ill.; of U. S. A. Bridge, pastor Kemp Methodist Episcopal Church, Tipton, Ind.; of H. F. Fisk, of the Academy of Northwestern University, Evanston, Ill.; of Frank Doran, pastor First Methodist Episcopal Church, Rochester, Minn.; of W. P. Eveland, pastor Methodist Episcopal Church, Chambersburg, Pa.; of De Loss M. Tompkins, pastor Methodist Episcopal Church, Dekalb, Ill.; of James Mudge, pastor First Methodist Episcopal Church, Webster, Mass.; of A. P. Sharp, pastor Park Avenue Methodist Episcopal Church, Somerville, Mass.; of M. G. Shuman, pastor First Methodist

Episcopal Church, Red Wing, Minn.; of O. T. Dwinnell, pastor Methodist Episcopal Church, Watseka, Ill.; of Henry J. Coker, presiding elder Eleventh district Methodist Episcopal Church, Emporia, Kans.; of Thomas F. Jones, presiding elder Rockland district Methodist Episcopal Church, Thomaston, Me.; of A. C. Skinner, pastor Park Avenue Methodist Episcopal Church, Worcester, Mass.; of Amos E. Griffith, presiding elder Methodist Episcopal Church, Council Bluffs, Iowa; of J. O. Kemble, pastor Chatham Square Methodist Episcopal Church, Keokuk, Iowa; of Anthony T. Horn, presiding elder Dixon district Methodist Episcopal Church, Dekalb, Ill.; of Robert Smylie, presiding elder Algona district Methodist Episcopal Church, Algona, Iowa; of E. M. Holmes, pastor Methodist Episcopal Church, Red Oak, Iowa; of C. O. McCulloch, pastor First Methodist Episcopal Church, Macomb, Ill.; of John F. Poucher, pastor First Methodist Episcopal Church, Norfolk, Nebr.; of J. A. Johnson, pastor First Methodist Episcopal Church, Fairbury, Ill.; of J. F. Humphrey, pastor First Methodist Episcopal Church, Taylorsville, Ill.; of J. C. W. Cox, pastor First Methodist Episcopal Church, Knoxville, Iowa; of F. S. Tinscher, presiding elder Connorsville district, Connorsville, Ind.; of C. W. Baldwin, Port Huron district Methodist Episcopal Church, Port Huron, Mich.; of Charles F. Parsons, pastor Methodist Episcopal Church, Westbrook, Me.; of H. V. Givler, pastor First Methodist Church, St. Paul, Minn.; of J. T. Ladd, pastor First Methodist Episcopal Church, Elgin, Ill.; of Samuel Earngley, presiding elder Rockriver district Methodist Episcopal Church, Rockford, Ill.; of L. L. Hanscom, pastor Methodist Episcopal Church, Rockland, Me.; of C. E. Davis, pastor Tremont Street Methodist Episcopal Church, Boston, Mass.; of H. H. Millard, presiding elder Grand Island district Grand Island, Nebr.; of A. C. Byerly, presiding elder Springfield district Methodist Episcopal Church, Springfield, Ill.; of Clarence Abel, pastor Trinity Methodist Episcopal Church, Chicago, Ill.; of William Stevenson, pastor Methodist Episcopal Church, Jefferson, Iowa; of W. F. Short, presiding elder West Jacksonville district Methodist Episcopal Church, Jacksonville, Ill.; of J. H. Waterbury, pastor First Methodist Episcopal Church, Beardstown, Ill.; of J. W. Pruett, pastor Methodist Episcopal Church, Forrest, Ill.; of F. E. White, presiding elder Fairmount district, Blue Earth, Minn.; of J. W. Stewart, pastor Methodist Episcopal Church, Pawnee City, Nebr.; of C. A. Brooks, pastor Methodist Episcopal Church, New Windsor, Colo.; of J. E. Smith, pastor Grace Methodist Episcopal Church, Washington, D. C.; of W. H. Jordan, vice-president board of control of the Epworth League, Sioux Falls, S. Dak.; of C. A. Grise, pastor Ebenezer Methodist Episcopal Church, Easton, Md.; of John W. Wagner, pastor Methodist Episcopal Church, Simsbury, Conn.; of F. P. Blakemore, pastor Methodist Episcopal Church, Tecumseh, Nebr.; of J. W. Hackley, pastor Grace Methodist Episcopal Church, Burlington, Iowa; of O. S. Baketel, Manchester, N. H.; of L. C. Muller, pastor Grace Methodist Episcopal Church, Paterson, N. J.; of D. B. Dow, presiding elder Methodist Episcopal Church, Fort Fairfield, Me.; of Frank B. Cowgill, pastor Centenary Methodist Episcopal Church, Mankato, Minn.; of J. Ellis Bell, presiding elder Altoona district, Altoona, Pa.; of I. N. Shipman, pastor Methodist Episcopal Church, Susquehanna, Pa.; of John Poucher, presiding elder New Albany district, New Albany, Ind.; of L. C. Beulley, pastor Methodist Episcopal Church, Brazil, Ind.; of W. W. Duncan, bishop in the Methodist Episcopal Church, South; of J. F. Kemper, presiding elder Lincoln district, University Place, Nebr.; of W. R. Newhall, principal Wesleyan Academy, Wilbraham, Mass.; of William Eakins, pastor Methodist Episcopal Church, Dover, N. J.; of W. F. Corkran, presiding elder, Smyrna, Del.; of Simpson B. Evans, pastor First Methodist Episcopal Church, Milton, Pa.; of W. T. Worth, pastor Centenary Methodist Episcopal Church, Auburndale, Mass.; of A. M. White, pastor Methodist Episcopal Church, Austin Station, Chicago, Ill.; of George Wilding, pastor St. James Methodist Episcopal Church, Elizabeth, N. J.; of Joseph L. Roe, Asbury Park, N. J.; of Florus L. Streeter, pastor Thames Street Methodist Episcopal Church, Newport, R. I.; of R. H. Gilbert, pastor Methodist Episcopal Church, Berwick, Pa.; of H. C. Clippinger, presiding elder Vincennes district, Vincennes, Ind.; of W. C. Snodgrass, pastor First Methodist Episcopal Church, Plainfield, N. J.; of M. S. Godshall, pastor Methodist Episcopal Church, Waverly, Pa.; of A. S. Mowbray, secretary Methodist Episcopal conference, Port Deposit, Md.; of Geo. G. Vogel, pastor Emory Methodist Episcopal Church, Jersey City, N. J.; of J. S. Reager, pastor First Methodist Episcopal Church, Steubenville, Ohio; of J. B. Haines, pastor First Methodist Episcopal Church, Redbank, N. J.; of J. S. Hughes, pastor St. George's Methodist Episcopal Church, Philadelphia, Pa.; of R. K. Stevenson, pastor Methodist Episcopal Church, Elkton, Md.; of L. R. Streeter, pastor East Pearl Street Methodist Episcopal Church, New Haven, Conn.; of N. H. Layton, pastor De Kalb Methodist Episcopal Church, Brooklyn, N. Y.; of G. H. Humason, pastor Centenary Methodist Episcopal Church, Camden, N. J.;

of Henry Wheeler, pastor Methodist Episcopal Church, Cantyville, Pa.; of J. Richard Royle, pastor Spring Garden Street Methodist Episcopal Church, Philadelphia, Pa.; of J. H. Hand, pastor Methodist Episcopal Church, Ansonia, Conn., and of W. A. Richard, presiding elder New Haven district, Methodist Episcopal Church, New Haven, Conn., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Navy; which were referred to the Committee on Naval Affairs.

Mr. BURROWS. I present a concurrent resolution of the legislature of Michigan relative to the erection of a monument to Charles Vernon Gridley. I ask that the concurrent resolution be printed in the RECORD, and referred to the Committee on the Library.

There being no objection, the concurrent resolution was referred to the Committee on the Library, and ordered to be printed in the RECORD, as follows:

Concurrent resolution relative to the erection of a monument to Charles Vernon Gridley.

Resolved (the senate concurring), That the Senators and Representatives from Michigan in the Congress of the United States are hereby respectfully requested to use all honorable means to secure, at the present session of Congress, the passage of a bill appropriating the sum of \$5,000 for the purpose of erecting a monument in Arlington National Cemetery, at Washington, to the memory of Capt. Charles Vernon Gridley, commander of the Olympia at the great naval battle in Manila Bay, May 1, 1898, or to secure the adoption of an amendment to the naval appropriation bill arranging for the same result.

Resolved, That under the signature of the president of the senate and the speaker of the house of representatives, the clerk of this house is instructed without delay to mail to each of our Senators and Representatives in Congress a copy of this concurrent resolution.

Adopted by the legislature of the State of Michigan February 19, 1903.

O. B. FULLER,

President of the Senate pro tempore.

JOHN J. CARTON,

Speaker of the House of Representatives.

Mr. BURROWS. I present a memorial in the matter of Reed Smoot, Senator-elect from the State of Utah. I move that the memorial be placed on the files of the Senate.

The motion was agreed to.

Mr. SPOONER presented a petition of the Christian Endeavor Society of Sherry, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of sundry citizens of Ardmore, Ind. T., remonstrating against the enactment of legislation granting unconditional statehood to Oklahoma and Indian Territories; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Department of Ohio, Grand Army of the Republic, of Columbus, Ohio, praying for the enactment of legislation giving preference in the civil service to veterans of the civil war; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, to report it with amendments. I give notice that very early to-morrow morning I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 7328) to authorize the appointment of Ricardo Islesias as a midshipman in the United States Navy, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported an amendment proposing to appropriate \$63,620.59 for payment of the award made by the Secretary of the Navy to N. F. Palmer & Co. for losses and damages incurred by them in the construction of the engines, boilers, and appurtenances of the armored cruiser *Maine*, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 4105) to validate certain certificates of soldiers' additional homestead right, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6745) for the relief of Anthony R. Ravenscroft, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 24th instant, proposing to appropriate \$50,000 for payment of claims filed with the Quartermaster-General under the act of February 27, 1902, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, intended to be proposed

to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and military reservation, in the State of Washington, to the Northern Pacific Railway Company, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army, reported it with an amendment, and submitted a report thereon.

EDITION OF REVISED STATUTES.

Mr. PLATT of New York. From the Committee on Printing I submit a report, accompanied by an amendment. I ask that the report be read.

The report was read, referred to the Committee on Appropriations, and ordered to be printed, as follows:

The Committee on Printing, who, by resolution of January 5, 1903, was directed to inquire whether the edition of the Revised Statutes of the United States published in 1878 be out of print, so that none can be furnished for the use of Congress or the public; and if in its opinion it be desirable and necessary to reprint the same, and legislation be required for that purpose, that they report such legislation, etc., respectfully reports that it has made such inquiry and is informed by the superintendent of documents, under whose jurisdiction the sale of the Revised Statutes was placed by act approved March 15, 1898, that the supply of the Revised Statutes, second edition, 1878, was practically exhausted in the month of March, 1902; and that, in pursuance of the provisions of a joint resolution of May 22, 1878, request was made upon the Secretary of State for the number of copies estimated to be required for sale and to supply the demand created by act of July 1, 1902, providing for the distribution to each Senator and Representative in Congress of one copy thereof, was informed that the plates were unfit for further use. Your committee, after diligent and repeated inquiry of the Secretary of State, to which inquiries no replies have been as yet received, is of the opinion that, by reason of the public demand for the statutes as well as in view of the necessity of carrying out the provisions of the act of July 1, 1902, aforesaid, the Statutes should be reprinted at the earliest practicable date. In order to carry out what your committee conceives to be the desire of Congress, an amendment in the following language to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, has been reported from your committee, and referred to the Committee on Appropriations for its consideration:

That the Public Printer shall print and bind in full sheep, at the earliest practicable date, 1,000 copies of the Revised Statutes, second edition, 1878, and shall deliver the same to the superintendent of documents for distribution, as provided by law, and for sale by his office: *Provided*, That if the plates from which said edition was printed are so worn as to be unfit for use, the matter shall be reset and plated, or otherwise reproduced, under the supervision of the Secretary of State.

Your committee is of the belief that the adoption of this amendment will relieve the immediate necessities, which are urgent, and admit of the question receiving such further consideration in future, in its broader aspects, as may be found to be desirable.

T. C. PLATT, *Chairman*.

WIDOWS ISLAND, MAINE.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine, to report it favorably without amendment. It is very brief and I should like to have it considered now.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. I have no doubt the bill is all right, but I desire that we may have some information as to the history of this matter.

Mr. HALE. The place was selected years ago with the idea of making it a hospital for sick sailors, but nothing has been done about it. The Department has taken no advantage of that selection, and does not require it now, and gives it up. This is simply ceding it back. The bill contains a provision that whenever, in the judgment of the President of the United States, the building and grounds ceded to the State are needed by the Navy Department, the United States may resume possession.

It also provides that if the State shall at any time cease or fail to use the property for public purposes it shall immediately revert to the United States, and in that case no compensation shall be made by the United States for any improvements or betterments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANSAS RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7392) to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas, to report it favorably without amendment.

Mr. BURTON. I ask for the present consideration of the bill. The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT CLERK TO COMMITTEE ON INTEROCEANIC CANALS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Interoceanic Canals be, and it is hereby, authorized to employ an assistant clerk, who shall be an expert typewriter, at an annual salary at the rate of \$1,400, to be paid from the contingent fund of the Senate until otherwise provided for by law.

G. W. HARDY.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7339) to indemnify G. W. Hardy, of Scott County, Miss., for homestead lands by granting other lands in lieu thereof, to report it favorably with an amendment; and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was, in section 1, after the words "United States," in line 5, to insert "in the State of Mississippi;" so as to make the section read:

That there is hereby granted to G. W. Hardy, of Scott County, Miss., 160 acres of the unreserved public land of the United States in the State of Mississippi, such as he shall select and notify to the Secretary of the Interior, in subdivisions not less than 40 acres, the same to be in lieu of land held by him but awarded by the General Land Office to the railroad company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSENGER TO COMMITTEE.

Mr. BURTON, from the Committee on Forest Reservations and the Protection of Game, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Forest Reservations and the Protection of Game be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of \$1,440 per annum until otherwise provided by law.

BILLS INTRODUCED.

Mr. JONES of Arkansas introduced a bill (S. 7433) for the relief of the Pine Bluff Baptist Church, of Jefferson County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7434) for the relief of the First Baptist Church of Helena, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 7435) for the relief of La Grange College, of Colbert County, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 7436) for the relief of Mary B. Douglass; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment extending the provisions of section 11 of the act "To reorganize and increase the efficiency of the personnel of the Navy and the Marine Corps of the United States," approved March 3, 1899, to all officers of the Navy retired prior to March 3, 1889, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate \$350,000 for the purchase of a site in the city of Washington, D. C., for a hall of records, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. BACON submitted an amendment intended to be proposed by him to the bill (S. 7143) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

MAY MOSHER CHASE.

On motion of Mr. GALLINGER, it was

Ordered, That the papers accompanying Senate bill 7207, granting an increase of pension to May Mosher Chase, be withdrawn from the files of the Senate and returned to the beneficiary, no adverse report having been made thereon.

PHILIPPINE RECEIPTS AND EXPENDITURES.

Mr. LODGE. I present a statement of the revenues and expenditures in the Philippine Archipelago during the period from August 20, 1898, to June 30, 1902, as certified by the Auditor. I

move that the statement be printed as a document and referred to the Committee on the Philippines.

The motion was agreed to.

On motion of Mr. LODGE, it was

Ordered, That the Secretary of War be allowed to withdraw from the files of the Senate the manuscript of the receipts and expenditures in the Philippine Archipelago during the period from August 20, 1898, to June 30, 1902, as certified by the Auditor, a summary of said receipts and expenditures having been ordered printed for the use of the Senate.

MANUFACTURING PLANTS IN INDIAN TERRITORY.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, returned by the House in compliance with the request of the Senate.

Mr. JONES of Arkansas. I move that the Senate reconsider the vote by which the amendment of the House was adopted by the Senate some time since. The purpose of the motion is to send the bill back to the House. It is understood that the amendment will be disagreed to there.

The PRESIDENT pro tempore. Will the Senator please state the exact position of the bill?

Mr. JONES of Arkansas. The bill was passed by the Senate and sent to the House. It was amended by the House by providing for a court at Duncan, in the Indian Territory, the amendment having no relation whatever to the bill. The amendment was concurred in by the Senate. I was opposed to it, and afterwards when I came into the Senate I asked to have it reconsidered. We sent it to the House, and the House, by a single objection, declined to vacate the action of the Speaker in signing the bill. It remained then on the Calendar for some months, everybody being anxious that the bill should pass, the only controversy being as to whether there should be attached to the bill a provision for a court at Duncan. The gentleman who moved the amendment in the House is anxious to have the bill passed, and suggested that if the bill should be sent back to the House there would be no objection to vacating the action of the Speaker, and the bill could then be returned to the Senate.

Now, the Senate having agreed to the amendment, my motion is that the Senate reconsider the vote by which it agreed to the amendment, the purpose being to disagree to the amendment and send it back to the House, when the House will, I understand, recede from its amendment and pass the bill.

Mr. PLATT of Connecticut. The attention of the Senate and of the Senator from Arkansas ought to be called, I think, to the fact that a House bill fixing courts in the Indian Territory has been reported from the Judiciary Committee by the Senator from Texas [Mr. CULBERSON], who I do not see in his seat, and that bill I think provides for this matter. I suggest to the Senator from Arkansas to let this bill lie on the table until the Senator from Texas comes in. I think that court is already provided for in another bill.

Mr. JONES of Arkansas. I did not know that the bill had been reported from the committee; but it is due to absolute frankness for me to say that I will not consent to the establishment of any new courts in the Indian Territory until the circumstances are understood a little better than they are now. Unless I get some information I have not now, I shall not agree to the establishment of the court, and if I can prevent it I will do so. However, when I see the report and confer with the Senator from Texas I may be willing to do it.

This bill has no relation whatever to that measure. It is a bill which is separate and distinct, authorizing the chiefs of those tribes to sell certain tracts of land for manufacturing purposes to manufacturing companies. The proposition to establish a court at Duncan has no relation whatever to the bill. It was put on by the motion of a member of the House, and that member is now willing to have the amendment abandoned, so that the bill may become a law.

Mr. PLATT of Connecticut. And if this bill becomes a law there will be nothing in it about a court at Duncan?

Mr. JONES of Arkansas. Nothing whatever.

Mr. PLATT of Connecticut. Then I have no objection. It does not interfere with the bill from the Judiciary Committee?

Mr. JONES of Arkansas. Not at all.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the vote be reconsidered by which the amendment of the House was agreed to. Is there objection? The Chair hears none. The Senator now moves that the Senate disagree to the amendment.

Mr. JONES of Arkansas. That it disagree to the amendment and that the bill be returned to the House.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had

on the 24th instant approved and signed the following acts and joint resolution:

An act (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington;

An act (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

An act (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;

An act (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices for more than five years; and

The joint resolution (S. R. 108) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of Executive clemency under the United States and the several States.

The message also announced that the President of the United States had on the 25th instant approved and signed the following acts:

An act (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years;

An act (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona;

An act (S. 1335) granting a pension to Elizabeth Neal;

An act (S. 2007) granting a pension to Mary A. Everts;

An act (S. 2130) granting a pension to Margaret A. Munson;

An act (S. 2259) granting a pension to Sarah J. Snook;

An act (S. 2302) granting a pension to Rose O. Crummett;

An act (S. 4029) granting a pension to Mary J. Parker;

An act (S. 4087) granting a pension to Lemuel Kingsbury;

An act (S. 4123) granting a pension to Eliza Gallagher;

An act (S. 4429) granting a pension to Alvira Randall;

An act (S. 4812) granting a pension to Addison Arnold;

An act (S. 5006) granting a pension to Annie P. Pinney;

An act (S. 5020) granting a pension to Emma D. Goslin;

An act (S. 5053) granting a pension to Deborah Edwards;

An act (S. 14) granting an increase of pension to George F. Howe, alias Harrington;

An act (S. 532) granting an increase of pension to Merritt Young;

An act (S. 699) granting an increase of pension to Franklin Chase;

An act (S. 966) granting an increase of pension to William Y. Turner;

An act (S. 1043) granting an increase of pension to Harriet Hatch;

An act (S. 1128) granting an increase of pension to Lyman Matthews;

An act (S. 1166) granting an increase of pension to Charles W. Colby;

An act (S. 1194) granting an increase of pension to Thomas J. George;

An act (S. 1227) granting an increase of pension to Bowman H. Peterson;

An act (S. 1550) granting an increase of pension to Flavius Shanks;

An act (S. 1631) granting an increase of pension to Edna K. Hoyt;

An act (S. 1738) granting an increase of pension to Thomas Doyle;

An act (S. 1873) granting an increase of pension to Hilar D. Davis;

An act (S. 1914) granting an increase of pension to Elbert Chittum;

An act (S. 1939) granting an increase of pension to John M. Drake;

An act (S. 2111) granting an increase of pension to William Kepler;

An act (S. 2114) granting an increase of pension to Sarah B. Barger;

An act (S. 2256) granting an increase of pension to Andrew J. Pennel;

An act (S. 2363) granting an increase of pension to James A. Capen;

An act (S. 2439) granting an increase of pension to Richard A. Larimer;

An act (S. 2591) granting an increase of pension to George W. McComb;

An act (S. 2596) granting an increase of pension to Israel F. Barnes;

An act (S. 2626) granting an increase of pension to Ardenia Dillon;

An act (S. 2799) granting an increase of pension to Israel V. Hoag;

An act (S. 2860) granting an increase of pension to Henderson Mercer;
 An act (S. 2936) granting an increase of pension to Berthold Fernow;
 An act (S. 2974) granting an increase of pension to Samuel J. Boyer;
 An act (S. 3020) granting an increase of pension to Eliza E. Littlefield;
 An act (S. 3081) granting an increase of pension to Leonard A. Norton;
 An act (S. 3174) granting an increase of pension to Fredericke W. Lillman;
 An act (S. 3249) granting an increase of pension to Charles W. Scherzer;
 An act (S. 3405) granting an increase of pension to William H. H. Bouslough;
 An act (S. 3542) granting an increase of pension to William H. Shaw;
 An act (S. 3568) granting an increase of pension to John P. Travis;
 An act (S. 3573) granting an increase of pension to John P. Post;
 An act (S. 3574) granting an increase of pension to Henry R. Bennett;
 An act (S. 3608) granting an increase of pension to Alphonso T. Gould;
 An act (S. 3632) granting an increase of pension to Frank E. Freeman;
 An act (S. 3645) granting an increase of pension to Simon Deno;
 An act (S. 3803) granting an increase of pension to Philip Caslow;
 An act (S. 3912) granting an increase of pension to John T. Deweese;
 An act (S. 3929) granting an increase of pension to Leman A. Brace;
 An act (S. 4023) granting an increase of pension to Almon J. Houston;
 An act (S. 4134) granting an increase of pension to Timothy Loughlin;
 An act (S. 4140) granting an increase of pension to James O'Neil;
 An act (S. 4239) granting an increase of pension to Oscar H. Prink;
 An act (S. 4287) granting an increase of pension to David N. Tolles;
 An act (S. 4305) granting an increase of pension to Daniel G. Towle;
 An act (S. 4337) granting an increase of pension to Elizabeth Thompson;
 An act (S. 4359) granting an increase of pension to John S. Milam;
 An act (S. 4379) granting an increase of pension to George Davis;
 An act (S. 4443) granting an increase of pension to Thomas Bassett;
 An act (S. 4466) granting an increase of pension to Archibald McIntire;
 An act (S. 4544) granting an increase of pension to Phineas L. Squires;
 An act (S. 4607) granting an increase of pension to Oliver G. Wright;
 An act (S. 4656) granting an increase of pension to Orlando S. Osborn;
 An act (S. 4702) granting an increase of pension to Ephraim Cunningham;
 An act (S. 4752) granting an increase of pension to Betsey Jones;
 An act (S. 4760) granting an increase of pension to John Hamilton, second;
 An act (S. 4806) granting an increase of pension to Frank A. Olney;
 An act (S. 4807) granting an increase of pension to Emmet C. Hill;
 An act (S. 4854) granting an increase of pension to Cassius B. Fisher;
 An act (S. 4892) granting an increase of pension to John De-berrer;
 An act (S. 4919) granting an increase of pension to James M. White;
 An act (S. 4922) granting an increase of pension to Andrew C. Smith;
 An act (S. 5040) granting an increase of pension to Stephen G. Cole;
 An act (S. 5055) granting an increase of pension to Mary E. Phillips;

An act (S. 5117) granting an increase of pension to John U. Allen;
 An act (S. 5123) granting an increase of pension to James McMorro;
 An act (S. 5205) granting an increase of pension to Grace E. Ash;
 An act (S. 5215) granting an increase of pension to Thomas L. Smith;
 An act (S. 5259) granting an increase of pension to Hampton B. Farmer;
 An act (S. 5389) granting an increase of pension to Jasper N. Acree; and
 An act (S. 5507) granting an increase of pension to Jarrot F. Rigg.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

Mr. McCUMBER. Mr. President, I desire to make an inquiry for information. I gave notice this morning of a motion that would be made immediately after the morning business was closed, and I simply wish to ask the Chair whether that notice gives any precedence of a right to be heard to make the motion.

The PRESIDENT pro tempore. It does not.

Mr. McCUMBER. It does not? I wished to know.

Mr. ALLISON. I was not aware of the notice.

The PRESIDENT pro tempore. It is only by courtesy of the Senate, not by virtue of any rule, that a notice becomes effective.

Mr. McCUMBER. At the same time I wished to be heard on the motion made by the Senator from Iowa. I addressed the Chair, and I did not get recognition to make an objection or to be heard.

Mr. GALLINGER. The motion was not debatable.

Mr. ALLISON. Of course I have no desire to cut off the Senator from North Dakota from any motion he desires to make, if it does not lead to debate.

The PRESIDENT pro tempore. It can not lead to debate, because under the rule it is not debatable.

Mr. ALLISON. Of course, if he gave notice of a motion, I am quite willing that he may make the motion.

Mr. McCUMBER. The motion of the Senator from Iowa has now passed. It has been declared agreed to by the Chair, and I do not desire to speak of it now.

The PRESIDENT pro tempore. At this time in the session it is the duty of the Chair to recognize any Senator in charge of an appropriation bill in preference to anyone else who rises.

Mr. McCUMBER. I understand that. But the question is whether it was not also the duty of the Chair, before a motion was acted upon and before he declared the motion carried, to recognize anyone who asked to be heard with reference to it.

Mr. GALLINGER. It is not a debatable motion.

Mr. McCUMBER. That is the point I desire to make.

Mr. ALLISON. Of course I was not aware that the Senator from North Dakota had any plan this morning.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment—

Mr. PLATT of Connecticut. Is there not an amendment pending?

The PRESIDENT pro tempore. There is no amendment pending.

Mr. PLATT of Connecticut. What became of the amendment proposing to pay \$200,000 to Queen Liliuokalani?

The PRESIDENT pro tempore. Notice was given by the Senator from New Jersey [Mr. KEAN] that he proposed to raise a point of order when that amendment was reached in the Senate.

Mr. FORAKER. Mr. President, I rose for the purpose of saying that while I was absent from the Chamber yesterday, engaged in work in committee, I am informed that item in the appropriation bill was reached, and it was agreed to at that time. If there is any objection to it, I will undertake briefly to state why it was that the Committee on Pacific Islands and Porto Rico recommended that the bill be so amended as to make an appropriation of \$200,000 to be paid in the manner provided. I do not care to do it unless there is opposition to it.

The PRESIDENT pro tempore. The Chair will state for the information of the Senate that the amendment was agreed to as in Committee of the Whole, and it having been agreed to as in Committee of the Whole, it can not be considered further unless by a

reconsideration of that vote; but it will be open to a point of order in the Senate or to amendment in the Senate.

Mr. FORAKER. No point of order is now made?

The PRESIDENT pro tempore. No point of order is now made.

Mr. ALLISON. I understand that the item of \$200,000, to which the Senator from Ohio has alluded, has been already agreed to, and it will be subject to reconsideration after the bill reaches the Senate.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole?

Mr. ALLISON. I ask unanimous consent to return to page 89, line 12, and to reconsider the vote by which that paragraph was stricken out yesterday.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent to reconsider the vote of the Senate adopting the amendment beginning on page 89, line 12. Is there objection? The Chair hears none, and it is reconsidered.

Mr. BACON. What is the amendment?

Mr. ALLISON. It relates to the proposed building south of the Capitol. I move on page 90, after the word "act," at the end of line 26, to insert the following proviso:

Provided, That the Superintendent of the Capitol is directed to prepare a general plan for the construction of a separate building for the use of the Senate for offices and committee rooms, to be located northeast and nearby to the Capitol, and to estimate the cost of the same, a report thereon to be made to Congress on the 7th day of December, 1903.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. In line 2, page 91, after the word "building," I move to insert the words "for the House of Representatives."

The amendment was agreed to.

Mr. WARREN. I beg to call the attention of the Senator from Iowa to the amendment which I now offer, and I ask unanimous consent that it may be inserted in the bill at the proper place.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the adoption of an amendment, which will be read.

The SECRETARY. Insert the following:

General Land Office: One additional chief of division, at \$2,000 per annum, from March 1, 1903, to June 30, 1903, \$672.20, or so much thereof as may be required.

One additional chief of division, at \$2,000 per annum, from July 1, 1903, to June 30, 1904, \$2,000.

The PRESIDENT pro tempore. Is there objection to the adoption of the amendment?

Mr. ALLISON. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. ALLISON. On page 19, after line 3, I move to insert:

United States Marine Hospital, Pittsburgh, Pa.: That the Secretary of War be, and he is hereby, authorized in his discretion, upon the application of the Secretary of the Treasury, to transfer to the custody and control of the Treasury Department as a marine-hospital site so much of the United States arsenal grounds in the city of Pittsburgh, Pa., as may be required for that purpose, not exceeding 5 acres in extent, fronting on Pennsylvania avenue, Thirty-ninth and Fortieth streets.

The amendment was agreed to.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by the Senator from New York [Mr. PLATT], providing for the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue, etc., to report it with an amendment.

Mr. ALLISON. The Senator from Indiana [Mr. FAIRBANKS], the chairman of the Committee on Public Buildings and Grounds, has just reported an amendment relating to the post-office building at the city of New York. If the amendment be offered now, I will consent that it may be considered. It will come in on page 17, after line 8.

Mr. FAIRBANKS. I offer the amendment to come in on page 17, after line 8.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 17, after line 8, insert:

For the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue, and running from Thirty-first to Thirty-third streets, \$2,000,000: *Provided*, That the power of the commission created by section 13 of "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be, and the same is hereby, extended so as to enable them to purchase said site.

Mr. ALLISON. I desire to say one word in respect to this amendment. What is known as the public-building act, passed in 1902, provided in section 13 as follows:

That a commission hereby created, consisting of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States, be, and is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of New York, borough of Manhattan, and State of New York, upon which to erect a fireproof building for the use and accommodation of the United States post-office in said city: *Provided*, That the site selected shall be bounded on each side by a street. When said commission has acquired a site in said city, as herein pro-

vided, the commission shall make a report to Congress, stating the location, dimensions, and cost of the same, and recommend to Congress the character and size of a building that should be erected upon said site and state the probable cost of such a building, including fireproof vaults, heating and ventilating apparatus, and approaches.

There was in section 13 no appropriation made. This commission have reported that they have selected and procured a site that will cost \$2,000,000. I see the Senator has added a proviso to the amendment authorizing the purchase of a site. I do not think that is necessary under section 13, but it will do no harm.

Mr. FAIRBANKS. The reason why I added the proviso was the commission recommended it, having some doubt as to whether under existing authority they have the right to complete the purchase. I ask, if the Senate please, that the report of the commission may be inserted in the RECORD without reading.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. DUBOIS. I should like to have it read.

Mr. FAIRBANKS. I withdraw the request.

The PRESIDENT pro tempore. The request is withdrawn.

Mr. FAIRBANKS. I do not wish to take up the time of the Senate.

Mr. HOAR. I wish to ask the Senator from Indiana what other methods of acquiring land the Government has in the city of New York except by purchase or condemnation. The section read "by purchase, condemnation, or otherwise."

Mr. ALLISON. I do not know what the word "otherwise" might mean.

Mr. McCOMAS. It might be done by devise.

Mr. GALLINGER. Or gift.

Mr. HOAR. Does the Senator from Maryland propose that the United States shall get the post-office when somebody leaves it by devise or legacy?

Mr. HALE. Occasionally there are donations. That is the usual language.

Mr. ALLISON. It is very rare, however, that there are donations.

Mr. BERRY. I should like to ask the Senator from Iowa if there was a limit of the cost fixed by the original act?

Mr. ALLISON. There was not. I have read the section of the act to which the amendment applies.

Mr. BERRY. Then this is not an increase of the limit of cost of the building?

Mr. ALLISON. It is not, as I understand it. If it had been I should have made a point of order against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. MALLORY. I ask that the amendment be read again.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 17, after line 8, insert the following:

For the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue and running from Thirty-first to Thirty-third streets, \$2,000,000: *Provided*, That the power of the commission created by section 13 of "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be, and the same is hereby, extended so as to enable them to purchase said site.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FAIRBANKS subsequently said: In connection with the amendment, I ask that a letter from the Secretary of the Treasury transmitting the report of the commission authorized to secure a site for the erection of a post-office building in the city of New York be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Indiana asks that a document presented by him relative to the amendment be printed in the RECORD. Is there objection? The Chair hears none, and it will be so ordered.

The document is as follows:

Letter from the Secretary of the Treasury, transmitting the report of the commission authorized to secure a grant for the erection of a post-office building in the city of New York. February 24, 1903.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.

Washington, February 24, 1903.

SIR: I have the honor to transmit herewith the report of the commission authorized by Congress to secure a grant for the erection of a post-office building in the city of New York.

Respectfully,

L. M. SHAW,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

The commission created by Congress and "authorized and directed to acquire by purchase, condemnation, or otherwise a suitable site in the city of New York, borough of Manhattan, State of New York, upon which to erect a fireproof building for the use of the United States post-office in said city of New York," beg leave to report to Congress as follows:

Very few sites have been offered at a definite price; many have been suggested to which title could be secured only through condemnation proceedings. The commission visited the city of New York and inspected the several

sites proposed. It is deemed proper to state the reasons governing the commission in reaching a determination.

The location of the city of New York upon the island of Manhattan creates a city long and narrow, congesting the business within narrow limitations and presenting a very unique problem in expediting and properly transacting the postal business of the city. In determining a location for the new post-office building the expedition of the mails is of greater importance than the location of the building in a slightly or conspicuous place.

On an average more than half an hour is lost in transporting the mails to or from the railroad stations to the post-office. To save this half hour or more would be of incalculable benefit to the business interests of the city, and the location of a building or buildings over the tracks of each of the two great railroad systems, the Pennsylvania and the New York Central, would abolish the necessity of transporting the mails in wagons from the railroad stations to the post-office and from the post-office to the railroad stations. Having this idea in mind, negotiations have been entered into with the respective managements of the railroad companies mentioned, and we are able to report material progress.

The Pennsylvania Railroad Company has offered to sell to the Government a site extending on Eighth avenue from Thirty-first to Thirty-third streets, with a frontage of 460 feet on Eighth avenue and with a depth of 640 feet on Thirty-first and Thirty-third streets, and on the west line of which a street could be made, thus complying with the provision of the law that the site selected shall have a street on each of its four sides. The actual floor space of a building on this site will be 145,000 square feet to each story. The railroad company has acquired title to nearly all of the land in question, and when title is acquired to the small remaining portion the aggregate cost to them, it is stated, will be about \$4,400,000. The price named by the company to the Government is \$2,000,000, subject to the use of the company for tunnel or track purposes underneath, which track location is the factor taken into consideration by the commission in selecting this site. Owing to recent appreciation of property values incident to the location of the Pennsylvania Railroad terminals, an equally large and eligible site adjacent to the one offered would now cost probably \$3,000,000.

If this plan should be adopted and the post-office building located upon this site, the mail cars carried by this company (which, it is estimated, convey to and from the city of New York over 40 per cent of the mail received and dispatched) will pass immediately under the post-office, thereby permitting the mails to be unloaded directly from the mail cars to elevators running to the floors of the post-office building and doing away with the necessity for wagon service.

The commission believe that a post-office building should be erected by the Government on a site to be secured over the tracks of the New York Central Railroad, at or adjacent to the new station to be erected by that company, and an informal proposition looking to such an improvement has been received.

We recommend that Congress extend the powers of this commission so as to enable them to purchase the site offered by the Pennsylvania Railroad, also to obtain the right to erect a post-office building over the tracks of the New York Central Railroad system, at or adjacent to their new station, thereby securing the expeditious handling of the mails tributary to that locality and mails received or forwarded over the lines of that company. It is estimated that at this time the mails transported over the lines entering the New York Central Company's station amount to 50 per cent of the aggregate for the city of New York, the Pennsylvania Company, as above stated, carrying over 40 per cent, which proportion, it is expected, will be increased when their new terminals are completed.

We recommend, therefore, the appropriation of \$2,000,000 for the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue, and running from Thirty-first to Thirty-third streets, and that, in addition, this commission be authorized to purchase, or otherwise acquire, a site in connection with the new terminal of the New York Central Railroad Company.

Owing to the widened street on all sides and the large court in the center, the light will be unusually good, and its very large ground area will render it unnecessary to extend the building very high. A suitable building, worthy of the city, can be erected for about \$5,000,000. In view of the fact, however, that the proposition to sell includes the excavation by the grantor, it will be unnecessary and perhaps inadvisable to make the appropriation for the building at this session. If the plan proposed by your commission shall be carried out, which includes connecting the three principal post-offices in the city by pneumatic tubes, as Station H is now connected with the main post-office, the problem of handling the mail in this most important city will have been solved for many years to come. The commission attaches hereto copies of the proposition to sell, and a letter from the president of the Pennsylvania Railroad Company explanatory of the same.

L. M. SHAW.
H. C. PAYNE.
P. C. KNOX.

WASHINGTON, D. C., February 24, 1903.

THE PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF THE PRESIDENT,
Philadelphia, February 16, 1903.

DEAR SIR: The Pennsylvania Railroad Company hereby offers to sell to the United States Government, for a general post-office in the city of New York, the plot of ground situated between Eighth and Ninth avenues and between Thirty-first and Thirty-third streets, as shown in hatched lines with red borders upon the inclosed plan, containing 145,000 square feet, and the ground for a driveway at the west end of the said plot 80 feet wide and extending from Thirty-first to Thirty-third street, containing 13,600 square feet, for the sum of \$2,000,000. The conveyance of the land to be in fee, subject, however, to the following conditions and reservations:

First. The Pennsylvania Railroad Company to have the right to occupy for station purposes all the space under a plane 20 feet below the curb line of the adjoining streets, subject, however, to the right of the Government to erect the supports required for its building, which shall be so placed as to permit the company to occupy the ground below with tracks and platforms. The company to further agree that it will excavate at its cost the entire space down to the track level, and that it will build the necessary retaining walls to support the adjacent lands, and will thus leave the ground—which at this level is rock-ready for the erection of the supports of the Government building.

Second. The Pennsylvania Railroad Company to further agree to reserve all the areas colored in yellow on the plan and containing 132,500 square feet for the purpose of affording light and air to the Government building, and to keep such areas free from any structures except roofs of steel and glass to protect the platforms and tracks, which shall be so constructed and of such height as not to interfere with the Government's full enjoyment of said open space for light and air; the Government further to have the right to bridge the outer areas wherever necessary to give access from the street to its buildings, and to bridge the inner area to give means of communication between different parts of the building if it so desires.

Third. The Government to agree that if it should ever cease to use the building and should desire to sell the land, the Pennsylvania Railroad Company shall have the right to purchase it at its market value at that time.

Yours, truly,

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

A. J. CASSATT, President.

THE PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF THE PRESIDENT,
Philadelphia, February 16, 1903.

DEAR SIR: In endeavoring to arrive at a fair valuation of the ground offered to the Government in the formal proposal made to-day we have been governed by the following considerations:

The land comprised within the two blocks between Thirty-first street and Thirty-second street and between Thirty-second street and Thirty-third street and between Eighth avenue and a line parallel with and 160 feet east of the east line of Ninth avenue contains 256,000 square feet. Of this the Pennsylvania Railroad Company has purchased 198,256 square feet, at a cost of \$2,895,752.12, an average of \$14.606 per square foot.

There remains 57,744 square feet to be acquired by purchase or condemnation. Assuming the average cost of this will be 33½ per cent above the cost of the land already bought, or \$19.475 per square foot, would bring the total cost of the property yet to be acquired to \$1,124,594.40.

The cost of that part of Thirty-third street comprised within the plot to be conveyed, at the average price per square foot which is to be paid the city of New York upon the vacation of the street, comes to \$315,456.

To this must be added the cost of dispossessing tenants and legal expenses connected with condemnation proceedings, say \$100,000.

Making the total cost of the property within the above limits \$4,435,772.52, or \$15.05 per square foot.

Assuming that the value to the Government of all the space included in the plot which would be covered by its building and above a plane 20 feet below the street level to be two-thirds of the value of the fee free from the subsurface easement, and it seems to us that this is a very favorable estimate from the Government standpoint, since it leaves the company to pay one-third of the value of the whole for the use of the subcellar space only, would make the value of the 158,650 square feet to be conveyed to the Government \$1,591,894.10.

To this must be added the value to the Government of the areas reserved for light and air, and if in dealing with this we reverse the proportions and charge against the Government's purchase one-third and against the company's two-thirds of the cost of these areas, would make the Government's proportion (132,550 square feet, at \$5.017) \$665,003.33.

Total value of Government's purchase, \$2,256,897.45.

You will observe, therefore, that in naming the price \$2,000,000 we are well within the actual cost of the property to the company upon the above basis.

If a lesser frontage along Thirty-first and Thirty-third streets will be sufficient for the Government's purpose, the price can be proportionately reduced.

We expect to be in position to commence the work of excavating this plot of ground by or before July 1 next, and to have it ready for the Government to commence its building by July 1, 1904.

Yours, truly,

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

A. J. CASSATT,
President.

Mr. ALLISON. I desire to recur again to the provision respecting the building south of the Capitol. I understand that some one has understood the amendment I offered to mean that the whole text was stricken out. My intention was—and I thought I so stated—that the language restored was that which related to the building south of the Capitol, and not to the eastern extension of the Capitol itself.

The PRESIDENT pro tempore. Will the Senator look at the bill, on page 89, and state exactly how far the amendment extended?

Mr. ALLISON. I supposed the clerks at the desk had understood it; but I will state again that the clause from line 12, on page 89, down to and including line 3, on page 91, is restored.

The PRESIDENT pro tempore. Then the amendment proposed by the committee striking out that clause is disagreed to; but nothing is done in relation to the next amendment, commencing at line 4, on page 91?

Mr. ALLISON. Nothing.

The PRESIDENT pro tempore. It was not so understood at the desk. Then the amendment to strike out that portion of the bill from line 4, on page 91, to line 2, inclusive, on page 92, is agreed to?

Mr. ALLISON. The amendment is agreed to, and was agreed to. I asked only to reconsider the amendment of the committee striking out that portion of the bill which relates to the building south of the Capitol.

Mr. BERRY. That amendment was agreed to with an amendment.

The PRESIDENT pro tempore. Yes.

Mr. FAIRBANKS. Mr. President—

Mr. HALE. If the Senator from Indiana will allow me, before this matter passes, I want it clearly understood that the action of the Senate in striking out the House provision from line 12, on page 89, down to and including line 3, on page 91, has been reconsidered, and the provision in the bill as it came from the other House stands.

The PRESIDENT pro tempore. That was reconsidered, and the language stricken out has been restored.

Mr. HALE. And agreed to with an amendment.

The PRESIDENT pro tempore. Agreed to with two amendments.

Mr. HALE. What are the two amendments?

Mr. ALLISON. The amendment originally suggested by the Senator from Maine, and also, in line 2, on page 91, after the word "building," to insert "for the House of Representatives;" so as to make the provision relate to that single building.

Mr. HALE. That is the designation?

Mr. ALLISON. Yes.

Mr. HALE. How as to the clause from line 4, on page 91, to line 2, inclusive, on page 92, for the extension of the Capitol building? The PRESIDENT pro tempore. The amendment of the committee was agreed to.

Mr. HALE. Striking out the provision?

The PRESIDENT pro tempore. Yes.

Mr. HALE. I made the inquiry because the report has been made, and I think that some of our friends outside have got the impression that all of these clauses had been agreed to with an amendment. There can, however, now be no question about it.

Mr. ALLISON. There ought not to have been any question about it at any time, because I stated distinctly that I wished the amendment of the committee striking out the provision as it came from the other House, relating to the building south of the Capitol, to be disagreed to, so as to let the clause stand.

Mr. FORAKER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 72, after line 2, it is proposed to insert:

In order to provide for the treaty obligations imposed by article 9 of the award of the tribunal of arbitration constituted by treaty of Washington February 29, 1892, and made by the arbitrators at Paris August 16, 1893, the said review and acquisition of authentic data thus ordered to be made by and under the direction of the Secretary of State, \$20,000, the same to be made immediately available.

Mr. FORAKER. I will say to the Senator from Iowa that upon the suggestion that that amount may be necessary, I have inserted \$20,000, instead of \$10,000, as I originally intended.

The amendment was agreed to.

Mr. ALLISON. I ask that the amendment proposed by the Senator from Ohio [Mr. FORAKER], which I understand has been reported from the Committee on Foreign Relations, shall be inserted on page 160, after line 5. That portion of the bill relates to the State Department, and the amendment will properly come in at that point.

Mr. FORAKER. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Iowa, and that order will be made.

Mr. FAIRBANKS. On page 160, line 5, I move to strike out the word "fifty," before the word "thousand," and insert "one hundred;" so as to make the appropriation conform to the recommendation of the Secretary of State.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 160, line 5, before the word "thousand," it is proposed to strike out "fifty," and insert "one hundred;" so as to read "one hundred thousand dollars."

The amendment was agreed to.

Mr. HALE. Mr. President, I wish the chairman of the committee would tell the Senate what, if anything, has been done with the proposition that was presented providing for a commission to be appointed by the President with reference to establishing—I think I may call it—an exchange touching the parity of silver and gold. I desire to know what has been done with that proposition. I was absent yesterday in committee considering the naval appropriation bill, and so am not fully informed; otherwise I should not now be intruding on the Senator.

Mr. ALDRICH. Mr. President, the amendment referred to by the Senator from Maine was adopted yesterday, it having been reported by the Committee on Finance.

Mr. ALLISON. It was an amendment providing for the establishment of a rate of exchange between silver-using countries and gold-using countries.

Mr. HALE. I have the amendment now, and it reads:

To enable the President to cooperate through diplomatic channels or by the appointment of a commission, or both, with the Governments of Mexico, China, and other countries—

That is the world—

The PRESIDENT pro tempore. "Japan" was inserted after "China."

Mr. HALE. That was not needed, because "other countries" included Japan and every other country under the sun—

for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document numbered 119, second session Fifty-seventh Congress, \$100,000.

Before this matter passes from the Senate, I want to call the attention of Senators to it.

Mr. TILLMAN. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I do.

Mr. TILLMAN. I merely want to ask whether that amendment has already been adopted?

The PRESIDENT pro tempore. It has been.

Mr. TILLMAN. I wanted to know whether that amendment is now being proposed or whether it is already in the bill?

Mr. ALLISON. It is in the bill.

Mr. HALE. The amendment is in the bill, but it is still open.

I want to call the attention of Senators, and especially of certain old Senators, to the attitude which the Senate has taken very clearly in reference to the practice, which the Senate reprobated, of selecting members of this body for appointment on commissions to negotiate treaties which are to be reported to the Senate.

The senior Senator from Massachusetts [Mr. HOAR] will very well remember that upon an occasion where the Senator from Illinois [Mr. CULLOM] and the Senator from Alabama [Mr. MORGAN] had been appointed upon an important commission, to be confirmed by the Senate, the Senate declined to confirm the nominees upon the ground that it would not further consent to the selection of members of this body to negotiate important treaties that were to be reported to the Senate.

Mr. MORGAN. Will the Senator allow me to inquire what reference he has made to me?

Mr. HALE. I think it was a commission that dealt with questions and subjects in Hawaii, where I think the Senators visited the islands and made a report. They had been appointed by the President, to be confirmed by the Senate; but so strong was the feeling in the Senate, upon the statement of the case and the ill effects of this practice, presented by the senior Senator from Massachusetts, that the Senate declined to confirm them, and they never were confirmed.

Mr. MORGAN. I think the Senator is mistaken about that. I do not think that question ever came before the Senate. We were merely the President's appointees.

Mr. HALE. The names were reported to the Senate for confirmation.

Mr. MORGAN. The Senator from Illinois [Mr. CULLOM] was chairman of that commission, and he can state about it.

Mr. CULLOM. I think the law required that the nominees should be reported to the Senate, and that the Senate should act upon their confirmation, which it never did.

Mr. HALE. Undoubtedly. I recall the circumstance very distinctly.

Mr. MORGAN. We went out as the personal representatives of the President, as I understood it.

Mr. CULLOM. We went out by appointment of the President; but there was a doubt about it, and the Judiciary Committee of the Senate, in view of the doubtful attitude which we occupied as receiving appointments from the President while being members of the Senate, thought it best not to act upon our confirmations at all; and they were not acted upon. We never were confirmed by the Senate, as a matter of fact.

Mr. HALE. I have stated, Mr. President, what is the fact. At that time the senior Senator from Massachusetts also stated that the Judiciary Committee had in mind, and proposed at some time to submit to the Senate, a bill prohibiting the practice, and I do not want this proposition to become a law in the encouragement of that practice.

I raised no question the other day when the President, rather closely upon the action of the Senate, appointed a commission to consider and negotiate with British and Canadian commissioners upon the northern boundary.

Mr. PLATT of Connecticut. The Alaskan arbitration commission?

Mr. HALE. Yes; that is the one; that is the tribunal; but I made no objection, for the reason that the names of its members do not come before the Senate for confirmation and because personally I could have no objection to the gentlemen selected upon it. I knew well enough that it was a tribunal to which our interests could be intrusted, and that there would be no yielding and no giving up, as there has been in times past, to the claims of Canada and Great Britain. No question was made about that tribunal.

But I want here and now to enter my protest, expressing the view that was unanimous in the Senate when the matter came up in relation to the Hawaiian Commission—I will not say "unanimous," but there was a general expression that way—and then it was not because there was the slightest objection to the Senators upon the Commission, for nobody could object to the Senator from Alabama [Mr. MORGAN] and the Senator from Illinois [Mr. CULLOM]. They had not sought the appointment, and they performed the duty, as the Senator from Illinois suggests to me, without receiving any compensation for their services, which, of course, they could not, and which Senators do not, beyond their salary as Senators. There was no objection whatever to those appointments; but one commission after another follows. After

the feeling which the Senate then showed in a very marked way—the senior Senator from Massachusetts, who is in his seat, will recall how he brought the matter up at that time—I hope some attention will be paid in the future to the attitude which the Senate has taken upon this subject.

I should not want upon any of these matters that a selection should be made of Senators in this body to act and appear in this body advocating the adoption of a treaty which they themselves negotiated, representing the Administration, and I call the attention of the Senate to this for the purpose of recalling the attitude the Senate took at that time.

Mr. TILLMAN. Mr. President, the Senator from Maine [Mr. HALE] has called attention to what many Senators consider an abuse. We all recollect at the time of which he speaks that an amendment was proposed, and almost unanimously carried through this body, to prohibit such appointments in the future, but, for the reason that it was considered a reflection on the appointments then pending, it was thought proper to reconsider and withdraw that amendment.

We have just had, as the Senator from Maine has said, another exhibition of what the Senate considers as improper in the appointment of two Senators to consider the Alaskan boundary treaty, with which they will have afterwards to deal as Senators.

Mr. PLATT of Connecticut. Not two Senators.

Mr. BACON. The Senator from Washington [Mr. TURNER] will not then be a Senator.

Mr. TILLMAN. Well, there are two Senators all the same. I am speaking of the principle rather than of its particular application. Nobody is opposed to these gentlemen acting, because we feel that the interests of this country will be perfectly well safeguarded in their care, but it is the policy of the thing to which I object.

We had the Paris treaty or the Spanish or Philippine treaty negotiated by Senators, whose votes, no doubt, were influenced by the fact that they were on that commission. I do not see why we should palter with this thing any longer. Probably we can not convince the Executive that this practice is improper and contrary to the will of the Senate unless it is forbidden by law, and I propose to now offer an amendment to come in at the end of the amendment already adopted. I move to insert:

Provided, That in making appointments to any such commission no Senator or Member of the House shall be eligible.

I will send the amendment to the desk and ask for a vote on it.

The PRESIDENT pro tempore. Where is the amendment which the Senator offers to come in?

Mr. TILLMAN. It is an amendment to the amendment which was adopted yesterday, as I understand, in regard to this commission.

The PRESIDENT pro tempore. Strictly under the rule that can be done only in the Senate, the amendment having been agreed to. The Senator may, however, ask unanimous consent to now offer the amendment.

Mr. TILLMAN. It does not matter when I offer it, so that I come within the rule. I will ask unanimous consent now, or wait until the bill gets into the Senate, when the amendment will be in order.

Mr. McCOMAS. At this stage I object.

Mr. FORAKER. I have no objection to the amendment being considered now, if it is to be considered at all; but I sincerely hope that the amendment will not be adopted. I do not expect to receive any appointment of that character while I am in the Senate or afterwards, for that matter, so I am not speaking from any personal interest; but I do not think that Senators and Members of the other House ought under any and all circumstances to be absolutely prohibited from serving on such commissions. There may come a time when the President in a wise discretion would do well to appoint some Senator on a commission, as I think the President did do well to appoint Senators on the Paris Peace Commission, which has been referred to. I do not think we ought to shut the door against that being done under any circumstances, as this amendment would do. I think the discretion of the President in that matter can be trusted. Certainly there is not any objection to a Senator serving on such a commission after his term of service in this body shall have expired.

Mr. TILLMAN. Of course not.

Mr. FORAKER. I do not like the practice of Senators being selected for that kind of service. I think we are entitled to their services here in this body, and we ought to have the benefit of their services here; but what I object to is not calling attention to it, for I think that will have a good, healthy effect, but I object to absolutely prohibiting the utilization of the services of a Senator or a Member of the House of Representatives, because we know there are instances when they will be of inestimable value and when their services would be of more value than the services of anybody else who could be found.

Mr. ALDRICH. Mr. President, as this amendment was re-

ported by a unanimous vote of the Finance Committee and adopted by the Senate on my suggestion, perhaps I ought to say a word, in view of the remarks made by the Senator from Maine [Mr. HALE] and the Senator from South Carolina [Mr. TILLMAN].

In my judgment there is no possibility of any Senator being appointed on any commission connected with this business. There certainly is no member of the Committee on Finance who would serve on the commission, and I have no idea that this question has any practical importance or value. Of course I am not in the secrets of the President and I have no idea as to whom he would select; but I am sure, especially after the expressions which have been made here this morning, that under no circumstances would he appoint either a Senator or a Member of the House of Representatives upon that commission.

I am myself, however, unwilling to see the Senate undertake to restrict the Executive power of appointment by an amendment of this kind, and I hope the Senator from South Carolina, in view of the fact that there is no practical question involved, will not insist on his amendment.

Mr. BACON. Mr. President, this matter was quite carefully considered in a former Congress, and I think the judgment of the Senate has come to be practically unanimous upon the subject of the impropriety of the appointment of Senators or Representatives to any other position than that which relates strictly to their legislative duties. The senior Senator from Massachusetts [Mr. HOAR], the chairman of the Committee on the Judiciary, is present, and of course is best capacitated to speak upon what occurred in reference to the subject under a resolution introduced by himself and considered by the Judiciary Committee. So I shall not now undertake, as he is present, to recite what did occur and what was done in pursuance thereof; but if the Senator from Massachusetts will relate it, it will cast great light upon the attitude assumed by the Senate and especially by the Judiciary Committee in reference to this matter.

I only rose, Mr. President, for the purpose of particularly calling attention to the fact that, however correct the Senator from Ohio [Mr. FORAKER] and the Senator from Rhode Island [Mr. ALDRICH] may be as to the desirability upon certain occasions that Senators should serve upon any of these commissions, it is distinctly in opposition to the express policy, if not to the express command of the Constitution of the United States. The policy of the Constitution and the design of the Constitution is that no man occupying a seat in this Chamber or in the other House shall exercise any other function in the shape of an office under the Government. So far as it may be technically an office, that is distinctly and positively prohibited. The only possible escape from the prohibition is to say that a position on one of those commissions is not an office. But whether it is or is not technically an office, it is distinctly in contravention of the policy which is declared by this prohibition which I now read to the Senate. In Article I of the Constitution, in the second paragraph of section 6, there is this provision:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time—

Now—

and no person holding any office under the United States shall be a member of either House during his continuance in office.

I say Mr. President, that the only escape from that as a distinct, direct prohibition is the technical position that a place on one of those commissions is not an office; but even if there is that escape from the technical prohibition, there is no escape from the broad, unambiguous expression of the policy of the Constitution, that no man holding a seat in this Chamber shall hold any other position under the Government.

Mr. PLATT of Connecticut. Mr. President, I do not wish to debate the subject which is now before the Senate; but since it has been said that there was almost a unanimous view of the Senate that there ought to be some law passed prohibiting the President from making these appointments, I desire to say that I have never shared in that opinion of the Senate, if it has been an opinion of the Senate. I do not think we ought to pass any law limiting or prohibiting the President in his appointments in such cases. I do not believe there is any danger whatever of the abuse of it; and circumstances might arise under which, in my judgment, it would be not only proper, but almost necessary, to appoint a member of the Senate or a judge to take part in such deliberations.

The PRESIDENT pro tempore. If there be no further amendments in Committee of the Whole, the bill will be reported to the Senate.

Mr. ALLISON. What has become of the amendment proposed by the Senator from South Carolina [Mr. TILLMAN]?

The PRESIDENT pro tempore. Objection has been made to its consideration at this time. The Senator can offer it when the bill is in the Senate.

Mr. ALLISON. I desire to say a few words on the subject which has been under discussion, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. ALLISON. Mr. President, this proposition, I think, will not result under any circumstances in the appointment of any Senator as a member of this commission if such commission should be authorized. I do not believe that a commission can be of any service for the furtherance of this project, which is to establish a fixed relation, as near as may be, of exchange between the silver-using countries and the gold-using countries of the world. It is not possible, as I understand this plan or scheme, that anything can be done by means of international agreement. Whatever is done must be done after this matter has been thoroughly considered by the individual action of independent states. For example, if Mexico shall desire to have the standard of gold with a silver circulation, she must do that domestically; she can not do it very well in accord with other nations, because it will be necessary for her to change her laws as to the coinage of those metals.

So I believe whatever is done under this paragraph will be done largely by diplomatic methods and not by means of a commission. I believe it is a feasible thing to do, and that it can be done to the great advantage of silver-using countries and gold-using countries. It seems to me that diplomatic methods are the wisest and best to accomplish this purpose, but the Committee on Finance believe that it might occur, in the course of this procedure, that a commission might be needed for the purpose of securing concert of action among the various nations, and therefore this paragraph was inserted. I think it will do no harm.

I am in sympathy with the general suggestion made as to who should go upon the commission. I do not believe a Senator or Representative should be appointed, nor do I believe there would be any purpose anywhere to make such an appointment. So I hope the Senator from South Carolina will withdraw his amendment and allow this matter to rest as it was reported by the Finance Committee and as already agreed to.

Mr. TELLER. Mr. President, I agree with the Senators who say that this commission, if appointed, ought to be made up of persons outside of the Senate and the House. I do not think it is worth while or perhaps quite right for us to pass a provision of this kind. A day or two ago the President sent to us for service on a commission, for which I did not myself vote and which I regret we are going to have, the names of two Senators. I am sure nobody will claim that they were unfortunate appointments. I do not believe he could have done better than to take the Senator whom he took from this body and who is to remain here and the Senator who is to go out on the 4th of March to handle that subject. I was very much opposed to the commission; I was very much afraid of it; but I am very much less afraid of it to-day than I was the day it was passed. And if I had the power of recalling those two appointments I am sure I would not do it. I think I could show in a very few moments why these two appointments from this body are especially good, but I will not attempt to do it now. I presume the whole Senate will recognize that fact. There are times, undoubtedly, when the President may exercise a discretion in matters of this kind, although as a rule I think the practice is reprehensible.

I doubt very much whether in some classes of cases the position does not rise to the dignity of an office, and whether the appointment of Senators or Members is not absolutely prohibited by the Constitution. But I am not so much worried about the question of the appointment of Senators as I am about the question as to who will be appointed if this commission is created. This question is one of the very greatest importance. It is one which, I think, a great many people for many years have foreseen would confront us. In importance it is only secondary, perhaps, to the question what shall be our own treatment of the two metals.

These two powers, Mexico and China, with whom we trade, have both felt the difference in value of the two metals, and I know very certainly myself they have been suffering because of it for some years. To such an extent do they feel it now that they have appealed to us to do something to establish, if possible, the par of exchange between silver and gold using countries.

I do not know whether we shall be able to do anything in that line or not. I have great fear nothing will come out of the attempt to establish a stable rate of exchange, although I think I can see how it might be done. But I know that the condition of the financial world is such that the theory which some of us have advocated for the treatment of gold and silver on a ratio established by law is not now attainable. If we could secure the recognition of silver as the coequal of gold on a ratio to be established by a great, powerful nation, or by a consensus of opinion in the world, we could secure the stability of exchange between the gold and silver using nations of the world; but we can not hope for that. I can see a good many ways in which we might try to establish stability of exchange, but I am not sure we can do it. I doubt very much whether we shall succeed in doing it

to the extent of establishing a stable rate of exchange. Great Britain has been able to do it with India, but for one country to do it for her own possessions using silver, and using gold in another part of the globe, and for the world to do it are two different things. It is worth trying.

The President should try it first, in my judgment, through the diplomatic agents of the Government. I believe that is the proper method, and if it fails and seems to lag and not to be coming to a termination speedily enough, then the President might try it by a commission. But there ought to be no haste about this matter. It is a big enough question to take time over, and I think if this thing is properly handled it will take the Government a year or two before any valuable progress at least is made.

I only hope that when the President feels convinced that he needs a commission, which he may, there will be no such thing as favoritism; there will be no such thing as picking out a man because he is a friend of somebody; but that the question will be, What are his qualifications to act in one of the greatest efforts made in many years to bring about a commercial condition that will be productive of value to the commercial world, that will benefit the exporter and the importer alike?

It is not a question any more of currency. The Senator from Iowa [Mr. ALLISON] said that undoubtedly Mexico will have to arrange that for herself. But Mexico may be able to arrange it in conjunction with other powers who also agree to it, and what ten powers may do, Mexico might not be able to do alone. Therefore this effort should not be confined to Mexico and China and Japan, but should take in the whole commercial world. So I have some hope of success, because of the great danger that comes to us as an exporting nation. I think it is the exporting nations that are threatened by this dislocation of the par of exchange between silver-using and gold-using countries. It is not China that is now being disturbed. It is this country. It is Great Britain. It is not Mexico. She may be temporarily embarrassed, but the great evil will fall upon the people who produce and who are looking to the markets of the world. To-day two-thirds of the human race are using silver as the paramount money, and by a hereditary tendency and by the conditions are incapable of using gold, and silver must remain for many generations, if not always, the primary money of a great portion of mankind. When silver will go, as it has gone since I have been in this Chamber, from one dollar and—

Mr. DUBOIS. One dollar and twenty-one cents.

Mr. TELLER. Silver, when I came to the Senate, was 8 per cent below the mint value. It was 5 per cent below the market value two years previous. It has now gone as low as 46 cents an ounce, as against \$1.33 an ounce, which the world was paying for it in 1873.

You can see the condition of the man who wants to send goods to China or Japan or, on the other hand, of the man who wants to send goods from China or Japan to this country. We are the greatest export nation of the world, with an export trade that is bound to increase and an import trade which, if we are wise in our affairs, is bound to decrease in proportion, at least, to the growth of the country, and therefore we, of all the people of the world, have an interest in this matter.

I think, therefore, the situation is so threatening that it should have most careful consideration. It is not a silver question, but a commercial question, and we have so much interest in it that if any commission is ever to be appointed it should be composed of men who, above all other men, are the most capable of handling the subject, without reference to where they live or what they may believe politically or otherwise.

Mr. President, I have said this because I find that there are some people who have not looked into this matter who have an idea that back of it is some latent purpose of reviving the silver question. Nobody expects to revive that now. Nobody who is intelligent at all upon this subject sees in it a silver question. I repeat, it is a commercial question which is to affect our exports and our imports and our trade with the world.

Mr. HOAR. Mr. President, I have taken very great interest in the question raised by the proposed amendment of the Senator from South Carolina, and I hope he will take an opportunity, or that some other Senator will—if nobody else does, I shall, if I can get one—to bring up this question of the appointment by the President of Senators and Representatives in the other House for important public functions under circumstances where it can be carefully and thoughtfully dealt with as we should deal with a proposed amendment to the Constitution, or as we should have dealt with it if we had been in the Constitutional Convention in the beginning.

It is evident that it can not be so dealt with to-day. There is no time for a full discussion. It comes up on a measure to which it is hardly germane after the statements of gentlemen who are likely to know what is expected, that there is no thought or probability—the Senator from Rhode Island [Mr. ALDRICH] corrects

me by saying "possibility"—of individuals being taken from either House of Congress for this commission. So I hope the matter will be brought up at some time when it is not entangled in the least by personal considerations in regard to our colleagues or gentlemen in the other House who may have been asked to do such service, and will be dealt with solely as a broad general principle for the future.

Mr. President, a great many years ago a President of the United States—I am not sure whether it was in President Hayes's time or General Grant's or a little later—was called upon to make up a commission to go to Europe to deal with the silver question, and he appointed on that commission—if I may be permitted to say so—the one man in this country who was fitted for that duty. That was the Senator from Iowa [Mr. ALLISON], now chairman of the Committee on Appropriations. I took the liberty then of expressing my feeling of anxiety that that act might grow into a precedent and be the occasion of public complaint.

Later, in President McKinley's time, there were some eight or ten appointments made from this body of a like character, and they were, I suppose, appointments that the whole country regarded as most admirable for the public service. They were men who had studied the subjects with which they were to deal, men of great capacity, and that they were men of the highest quality of personal integrity it is unnecessary to say.

But I have no doubt it seemed to a large majority of the Senate, on reflection, that the practice had better not go further, and two measures were referred to the Committee on the Judiciary—one a general law, the other a resolve of the Senate. The committee carefully considered them. It happened that there were three members of the committee at that time who had been among those who had been selected for such functions. The committee almost unanimously agreed to a resolution disapproving of this practice. One or two of the members thought the President ought not to be restricted in his resources for that branch of the public service. However, the committee thought such a resolution might be construed into some discourtesy to the gentlemen who had acted in such places. One of the men who was then acting as a commissioner under such an appointment was one of the most zealous and emphatic in favor of the resolution. He said he had accepted the place hastily, and he agreed that the practice ought not to go further.

But the committee thought it was not best, under the circumstances, to report the matter at that time, and instructed me to call upon the President and tell him what had happened and say to him that the committee hoped the practice would not be continued. I suppose there is no indelicacy in my reporting what happened. President McKinley said he was aware of the objections; that he had come to feel them very strongly; and while he did not say in terms that he would not make another appointment of the same kind, he conveyed to me, and I am sure meant to convey to me, an assurance that it would not occur again. But he said it was impossible to understand how few people there were in this country, who were out of the Senate and the House who were qualified for important diplomatic service of that kind; that we had to contend with the trained diplomats of Europe, men who had studied the subject all their lives. He went over some of the difficulties he had encountered in making selections of ministers abroad for some very important matters that were expected to be dealt with. Our people come from entirely other service and conditions. He might have added what is an additional strong consideration, that we have to deal with nations who can wait, while in general our political conditions and diplomatic condition are such that we can not wait.

The American people want to have a question settled and have it over. Great Britain says to us: "Well, if you do not come to my terms I will be here fifty years hence, and my minister of foreign relations very likely will be here twenty years hence, and we will wait. We are in no hurry."

But at the same time, in spite of all those considerations, it seems to me it is a violation of the sound principles of the Constitution as enunciated in the clause read by the Senator from Georgia [Mr. BACON]. The Constitution says the President shall not have patronage enough at his command to give a Senator, during his Senatorial term, a \$20 a year post-office in his country seat, where perhaps he is the only man who resides there receiving letters. During the term for which a Senator is elected he can not be appointed to any place which has been created or the salary of which has been increased by sixpence during the whole six years.

So careful were the framers of the Constitution of Executive influence and control. And yet if the practice is to go on the President may come into the Senate, pick out a half a dozen of our members and send them to Europe, where they spend the summer in the most honorable positions on the face of the earth, meeting the society of foreign capitals, and then he can pay them out of the contingent fund at his disposal a sum three times

greater than our salary. Now, does anybody suppose the framers of the Constitution would have approved of that? It is the question of the relation between the legislative power and the executive power. There were two things of which our fathers, when they framed the Constitution, were especially afraid. One was corruption in office—and that was provided for by impeachment—and the other an Executive influence over legislation.

Mr. President, it seems to me at some convenient time we must have this matter out and have it settled so far as an act of Congress can settle it. At the same time I wish to say there is not, in my judgment, the smallest criticism to be made of the purity of purpose and patriotism of the gentlemen who in the past have been selected by the Executive for these various offices.

Take the late Senator from Minnesota, now unhappily withdrawn from the sphere of public service. It would be difficult for me to put into words an expression of higher esteem for the Senatorial character as exemplified by any man with whom I have ever served than by that intelligent, brave, patriotic, and courteous man, so accomplished and delightful in every relation of life, a great citizen, a great soldier, a great Senator.

It is only when the President is forced to say, "The Senator I want to employ is the fittest man in the world for the service, and I can not find anybody else," that it will be done this year or has been done last year or will be done next year. But if the practice is once established it will be done as a matter of course. Senators can not accept an office, but they can do something which has ten times the power and the distinction and the compensation of an office, and a measure can be carried through, if we ever have an unscrupulous Executive, by the knowledge that Senators are to be appointed to discharge the functions. It seems to me that hardly a more dangerous practice can be conceived of than this one.

I hope the question as to what the Senate think on this subject or what they seem to think by their votes will not be determined on a mere amendment coming in at the close of a session, when we can have no extended debate upon it, and on a bill which is not especially germane and to which it practically has no relation.

Mr. STEWART. Mr. President, the proposition for a commission to fix, if possible, some rate of exchange in order that trade may be unembarrassed between silver-standard countries and gold-standard countries is too important in itself to step aside to consider mere collateral questions. The silver question in this country was disposed of by the output of gold. The stringency which resulted from the demonetization of silver continued for nearly twenty years, but conditions have changed. From 1896 until the present time the output of gold has far exceeded anything known in previous history, and the purchasing power of gold has diminished about 30 per cent—that is, general prices, as compared with gold, are 30 per cent higher than they were seven years ago. Hence, so far as this country is concerned, it is idle at the present time to discuss the remonetization of silver, for such discussion will not interest the people so long as the present output of gold continues. While we have enough of either gold or silver, or both, as a basis, the money question will not be entertained by the people.

I do not rise, therefore, to discuss the silver question. But trade between gold-standard countries and silver-standard countries is vastly important. It is true that international trade is conducted by the exchange of commodities. There is no international money and never was. Money, outside of the jurisdiction where it was created, is but a commodity, but by common consent a parity between the money of different countries has been and may hereafter be maintained. Trade between gold-standard countries is unembarrassed because by the mint laws of the United States and Europe each country will pay substantially the same for gold which the others do. Consequently when we sell American commodities in Europe for their money we know what their money is worth as compared with ours. Our gold money will not circulate in Europe except as a commodity, but inasmuch as the value of that commodity is fixed by the mint laws of the various countries of Europe there is no embarrassment to trade. The mints of the silver-standard countries fix the value of silver, which answers every purpose of trade between those countries, but the people of the gold-standard countries will not take silver in trade at the price fixed by the mints of the silver-standard countries.

If the gold-standard countries, by compact or agreement, will take the silver of the silver-standard countries at a fixed ratio to gold, such an arrangement, so long as it could be maintained, would pave the way to unrestricted commercial intercourse between the gold-standard countries and the silver-standard countries throughout the world. There would be no fluctuation so long as such an arrangement could be observed. It is not probable that much, if any, silver would be sent from the silver-standard countries to the gold-standard countries for sale as a commodity, because the silver-standard countries have no more

silver than they require. But if the value of silver in those countries was fixed at a certain ratio with gold, exporters from Europe and the United States to Asia, who sell their products in Asiatic markets to buy silver with which to buy Asiatic commodities, would know the value of silver for which they were exchanging their own commodities.

Such an arrangement would be beneficial to all concerned, and there would be no interest on the part of any country to disturb it, unless the silver-standard countries should export more silver to the gold-standard countries than would be required for consumption there. Such a result would be very improbable, because the gold-standard countries require much silver for manufacturing purposes and for subsidiary coin. Besides, the silver-standard countries would be reluctant to export their silver to a cheaper market than their own so long as they had any other commodities for export.

Much confusion exists in the public mind upon the question of international money, because people do not generally reflect that international trade is not carried on by international money. The French people do not buy American goods with French money, but they sell their products, whatever they may be, and buy American money, and with American money buy American goods. It is the same in dealing with silver-standard countries. We sell them our products for silver and with the silver buy Asiatic goods. But the trouble is, when we sell our commodities for silver without an established parity of exchange we do not know what that silver will be worth in American money. If there could be a ratio fixed by international agreement between gold and silver standard countries, everyone dealing in silver money would know its value as compared with gold.

I repeat, there never has been international money, except for a time under the arrangement of the Latin Union. France, Italy, Greece, and Belgium agreed that the coin of each country should circulate at par in all the other countries who had entered the agreement. Trade from time immemorial was accommodated by a fixed ratio between gold and silver throughout the world by the mints of all civilized countries. But since the gold-standard countries have refused to mint silver, its value in exchange constantly fluctuates, and such fluctuations are most disastrous to trade. There is no doubt that the gold-standard countries can maintain the parity between the coin of the gold-standard countries and the coin of the silver-standard countries without opening their mints to the coinage of silver. All that is necessary for the gold-standard countries to do is to agree to take the commodity silver at a fixed ratio. No inconvenience could possibly arise from such an agreement, unless the ratio was so high as to induce the exportation of silver from the silver-standard countries to the gold-standard countries. But it is believed that the ratio might be so fixed that no more silver would be imported by the gold-standard countries than was actually required for use there.

I am glad that an effort is being made to arrive at some basis which will unembarrass trade between gold-standard countries and silver-standard countries. The United States is now becoming a great exporting country, and the people are looking to China, Japan, and India for a market for their surplus products. This does not involve the silver question. We do not suggest that the gold-standard countries open their mints to the coinage of silver on any terms, but as long as the output of gold continues and the price of property advances, there is not the slightest danger of injury to the money or prosperity of the United States from an international agreement fixing the parity of exchange.

Mr. McCOMAS. Mr. President, I desire to say a word only. I know the Senate is weary of this discussion. I am sure that this amendment ought not now to be adopted. But having listened for four years to these arguments against appointment by the Executive of men in either House of Congress upon diplomatic commissions, the arguments made here against such appointments have confirmed me in the opinion that the objections are not sound or wise, nor are they in the public interest.

This amendment is intended to restrict the power of the Executive in making appointments. Some years ago I was in the House of Representatives when a message came from the President vetoing a measure providing for an appointment to an important office because, as the President said, Congress had attempted to name the officer to be appointed by the President.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. McCOMAS. I hope the Senator will wait a moment until I finish the proposition I am stating. Then I will yield.

Mr. TILLMAN. I merely wanted to say—

Mr. McCOMAS. I will yield presently. I want to finish the proposition I have started to make.

Mr. TILLMAN. Of course, if the Senator declines that ends it.

Mr. McCOMAS. The argument of Attorney-General Bristow made plain, I think, to every intelligence that there was no power

in Congress to thus restrict the power of the Executive in appointments.

Now, this amendment does not amount to an invasion of the right of the Executive as does a direct nomination in a bill to name a man for an office, but so far as it goes it restricts the power of the Executive to make appointments. It names a class of people whom he may not appoint upon commissions or name for office, and if you exclude class after class you still further restrict the power of the Executive in making appointments.

I think that the amendment as amended by the Senator from South Carolina is a worse practice, because if we do this we hedge around the Executive, narrowing the wide field of appointments according to his Executive discretion and within his Executive power.

And what more is it proposed that we shall do by this amendment? There are now about to go out of the House of Representatives perhaps 100 members of Congress, many of them highly trained in special matters, well fitted to aid the service of this Government. Some Senators retire at the end of this session, many of them competent and specially fitted to do special public service.

By this amendment we say that those members of Congress and those Senators, when they have returned to private life, shall be debarred from consideration by the Executive. We have no right to say so to the Executive. He is not bound by it if we do say so; but if he is, what is the result?

I saw yesterday the senior Senator from Nevada [Mr. JONES] send to the clerks' desk the credentials of his successor, after thirty years of service on this floor, experienced, able, just, and wise as he is, better fitted than any man in this body, under this roof, or on this continent to be a member of such a commission as is provided for by this amendment from the Finance Committee.

Mr. TILLMAN. Mr. President—

Mr. McCOMAS. Allow me a moment. After the 4th of March he will be a private citizen. The Senator from South Carolina I am sure would regret to exclude the President—

Mr. TILLMAN. If the Senator will permit me, he did not get the import of my proviso, because we could not undertake to deal with private citizens. Any Senator who leaves this body becomes a private citizen immediately; any member of the House who retires becomes a private citizen, and they would not be reached by the amendment.

If the Senator will allow me, while I am on the floor—I have been trying for half an hour—

Mr. McCOMAS. Will the Senator allow me for five minutes? I have been trying to say thus much for an hour and a half, and I should like to conclude.

Mr. TILLMAN. Then if the Senator will simply confine himself to a discussion of what my amendment proposes instead of giving it an import which it does not have, of course I will not interrupt him.

Mr. McCOMAS. I will convince the Senator—

The PRESIDENT pro tempore. The amendment is not before the Senate.

Mr. TILLMAN. No; it is not before the Senate.

The PRESIDENT pro tempore. This debate has been going on by unanimous consent.

Mr. McCOMAS. Then, Mr. President, I will ask unanimous consent to finish the few remarks I want to make. I rarely speak, and I now speak upon this matter, which has been discussed for an hour and a half by unanimous consent.

If this bill should be passed to-morrow and should be signed by the President and he should appoint a commission under this act, then every one of these retiring members would be excluded by the operation of the language of the amendment proposed by the Senator from South Carolina.

Mr. President, I want to say that the Senate is not unanimous in this opinion I have listened to, as the Senator from Connecticut [Mr. PLATT] has said. Men like these should not be excluded. I have heard on this floor to-day and at other times gentlemen who object to the appointment of Members or Senators upon commissions say that in every case within their recollection the appointment has been the wisest and the best, and that the men who had been named were in the particular instance and for the special service eminently qualified, and the best they knew in their experience.

What does that mean? It means that by restricting the appointing power of the President you will time and again compel him to take second-best men for special service, to take men who are not trained, experienced, and eminent, when he needs the best trained, the best equipped who may happen then to be in Congress. And in the words as stated by the Senator from Massachusetts of the late President McKinley, the President has his choice confined to too few who have special knowledge, experience, or training.

At another time, Mr. President, for I am now speaking by unanimous consent—

Mr. HOAR. May I ask the Senator one question? Does he not remember that some time ago a bill was passed which prohibited Members and Senators from being employed by the United States as counsel? Did the Senator approve that bill?

Mr. McCOMAS. I approved that bill.

Mr. HOAR. What is the distinction?

Mr. McCOMAS. There is a very great distinction.

Mr. HOAR. Would the Senator approve an amendment of the Constitution which would allow the President of the United States to make my honorable friend from Wisconsin [Mr. SPOONER], who would be a most able man, Secretary of State for six months, with the permission of the Senate?

Mr. McCOMAS. I would not.

Mr. HOAR. What is the distinction between the appointment of a Senator to argue a case in representing the Government—in other words, appearing for the United States—and paying him \$5,000 and appointing a Senator for six months during a difficult period as Secretary of State?

Mr. McCOMAS. I would do the very thing, but—

Mr. HOAR. What is the distinction?

Mr. McCOMAS. I would do the very thing that the Senator from Massachusetts wants done, but I would do it in a different way. I would try to arrange it that if the distinguished, wise, and eloquent Senator from Wisconsin [Mr. SPOONER] should be Secretary of State he should have a seat on the floor as a member of the Cabinet. I would have all the members of the Cabinet have seats on the floor. Until you have such a measure in our Government here we must do what governments do who have their cabinet on the floor; we must continue to give the right now and then to the Executive to appoint men upon this commission or that, that the action of the Executive may be known in this body, and that men who have thus performed the service may be interrogated here and the best results may follow. The best results have always followed such selections.

Mr. President, I have been gathering some of the data on this subject, and at another time I will undertake to show that what is here reprobated by Senators has been done by the best Presidents of the United States. I will undertake to show that when it was done every case has been one in which the country has been benefited. And looking over the field here that followed the action of the Executive, it was the wisest and the best for the country at that time. I will undertake to show that the early Presidents, who helped make the Constitution and who knew best what it means—that Washington, Jefferson, Madison, Jackson, Lincoln, Grant, McKinley, and Roosevelt, among the best and greatest and foremost Presidents in the long line of our Executives, have been compelled to resort to this practice, and always with gratifying results. The Senate now would reprobate what the best Executives have done, and in the same moment say that what they did was best for the country and the men they named were the best men in the country for the special service for which they were chosen.

Why, then, should we by resolution of the Senate or by action of Congress compel the President to take second-best men for delicate and peculiar service? I think there is no basis for this punctilio. There is no reason for it. There is no good policy in it. We should continue to let the Executive take the choice of the whole field, and, as we can not name the men he appoints, let him remain free to select fit servants from the whole field and not be restricted by the action of Congress to certain classes, by our excluding certain other classes.

At another time, Mr. President, I will undertake to show that our greatest Presidents appointed Senators and Members on important missions in temporary service, saving extra salaries, thus using the fittest instruments and to the honor and glory and the best advantage of our country.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President, the statehood bill has been pending in this body and under discussion since the 10th of December, and it seems to me that the Senate ought to be now ready to vote upon it. I would be glad to have a vote if no Senator desires to address the Senate upon the pending bill.

Mr. BEVERIDGE. Mr. President, I can not consent to a vote being taken. The Senator from New York [Mr. DEPEW], as the Senator from Pennsylvania will remember, has the floor and has not concluded his remarks, and the Senator from New Jersey [Mr. KEAN] also. The Senator from New York is ready to pro-

ceed any time. He is absent at this moment, perhaps downstairs getting his lunch.

Mr. QUAY. I have no objection to the bill going over if the Senator from New York will resume his remarks after his lunch.

Mr. BEVERIDGE. The bill may go over.

Mr. QUAY. Until after lunch.

Mr. CULLOM. I shall object to taking the bill up at all.

Mr. GALLINGER. It is up.

Mr. QUAY. It is up.

Mr. CULLOM. It is about to be laid aside; and when it is I shall object to its being taken up.

Mr. ALLISON. I ask unanimous consent—

Mr. QUAY. I was about to ask unanimous consent. I have the floor.

Mr. ALLISON. Allow me to ask unanimous consent, and then I will yield the floor.

Mr. QUAY. I have the floor; and I will yield in one moment.

Mr. ALLISON. If the Senator wishes to ask unanimous consent, I will not interfere with him.

Mr. QUAY. I wish to ask unanimous consent that at 2 o'clock to-morrow afternoon a vote be taken upon this bill, and upon amendments now pending and which may then be offered, without further debate.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that to-morrow afternoon at 2 o'clock the final vote be taken upon this bill, and on all amendments then pending and on amendments then offered, without further debate. Is there objection?

Mr. BEVERIDGE. I regret that I can not oblige the Senator by consenting.

Mr. ALLISON. Now, I ask unanimous consent that the regular order may be informally laid aside that we may complete the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the pending bill be temporarily laid aside, and that the Senate proceed with the consideration of the sundry civil appropriation bill.

Mr. QUAY. There is no objection, Mr. President.

The PRESIDENT pro tempore. The Chair hears no objection. [For speeches of Mr. KEAN and Mr. DEPEW see Appendix.]

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

Mr. TILLMAN. Mr. President, the discussion we have had I am sure is not a fruitless one, and I would not proceed any further but for the fact that I want to make it very clear; and especially I speak thus because of the utterances of the Senator from Maryland [Mr. McCOMAS], that in what I may have said by way of criticism of this practice and the amendment which I have offered I had no purpose or desire or intention or suspicion even to block any appointment that might be on foot under it. I did not know of anything of the sort; I did not suspect anything of the sort, and therefore I did not have any purpose of preventing any scheme of appointment which might be agreeable to some Senators.

I was dealing with the general subject as it had been illustrated or brought out in the very forceful speech of the Senator from Maine [Mr. HALE], and after the expression of opinion and the assurances we have had in regard to this matter I intended never to press this amendment in the open Senate, and I do not now. It was ruled out of order, or rather it was thrown out of order, by the objection of the Senator from Maryland, and as I did not intend to renew it in the Senate the discussion might have ended some time ago.

The Senator from Maryland, however, undertook a little while ago (and I want to say to him he is not the best lawyer in this body, if he did teach law in the Columbian University) to say that the amendment which I had offered would prevent the President from appointing those perfectly well qualified men who are now going out at the other end of the Capitol, and some of them at this end, into private life. I will read it for his benefit, to show him that he did not catch the remotest idea from me of that kind:

Provided, That in making appointments to any such commission no Senator or Member of the House shall be eligible.

Does the Senator undertake to say that that would block any member who has been beaten in the last election and who will return to private life?

Mr. McCOMAS. Is he not still a member of Congress?

Mr. TILLMAN. But this does not become a law until it is signed. This bill has to go to conference. Congress expires next Tuesday. Unless there is a scheme on foot to have a junketing tour by somebody whose name has already been selected out, there is no possibility that this commission will be appointed

within five or six days. Therefore if the Senator knows of it or if he is willing to make any confession I will listen to him.

Mr. McCOMAS. Will the Senator permit me a moment?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. TILLMAN. Certainly.

Mr. McCOMAS. I think the bill might be signed to-morrow, and therefore these men would be ineligible. But I am always ready to admit that I am a better farmer than the Senator from South Carolina and that he is a far better lawyer.

Mr. TILLMAN. Oh, you had better claim that, rather than admit it. Anyhow, it is very clear that none of the gentlemen whose names have been mentioned who are now retiring to private life would be embraced in my amendment after the 4th of March. Certainly the President, if he had any desire to honor any of those or get their valuable services, could wait until next week.

I do not intend to press this amendment, Mr. President, simply for the reason, as I have said, that this discussion is very fruitful; and if the President of the United States gives any attention to our proceedings here, he very clearly understands that a large number of us, if not an overwhelming majority, think that this is a bad practice, and, as the Senator from Massachusetts has said, it ought to be stopped by law if it can not be stopped by a clear understanding on the part of the Executive that the Constitution rather prohibits it. The Senate does not like it, and the country has millions of voters who are ready to serve on this commission who are just as able and patriotic as we are.

Mr. HANSBROUGH. I offer an amendment, to come in on line 20, page 88.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add at the end of line 20, page 88:

Provided, That hereafter it shall be unlawful to sell or otherwise deal in beer, wine, or other intoxicating liquors within the limits of the Capitol building or the grounds appertaining thereto.

Mr. ALLISON. I make the point of order that that is general legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. HANSBROUGH. I hope the Senator from Iowa will not insist upon the point of order. It seems to me that this is a mere regulation of the affairs of the Capitol. We have already a rule of this body which prohibits the sale of or dealing in liquor at this end of the Capitol, whereas in another place it is dealt in and used openly and, as I think, greatly to the detriment of the general conditions of the Capitol.

As I said, I think this is a mere regulation and that the Senator ought not, under all the circumstances, which he thoroughly understands, I think, insist on the point of order on so simple a piece of legislation as this.

Mr. ALLISON. There have been, there are now, and there will be many opportunities to deal with this question. This is an appropriation bill and not a bill providing for legislation, and I insist on the point of order.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CLAY. I desire to offer an amendment. On page 137, after the word "dollars," I move to insert:

To enable the Secretary of War, through the Commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Georgia, through the Widow Davis's Cross-Roads and Bailey's Cross-Roads, to Stevens Gap, a distance of 12 miles, \$25,000.

Mr. ALLISON. Mr. President—

Mr. CLAY. One moment. Will the chairman of the committee permit me in just a minute to have read a letter?

Mr. ALLISON. If it is a brief letter, certainly.

Mr. CLAY. I desire to state that the reasons why this appropriation ought to be made are fully and clearly stated in a letter from the chairman of the Chickamauga and Chattanooga National Park Commission, and that this appropriation has also been approved by the Secretary of War. I ask that the letter be read. It is a very short one.

The Secretary read as follows:

CHICKAMAUGA AND CHATTANOOGA
NATIONAL PARK COMMISSION,
Washington, January 3, 1903.

DEAR SIR: In reply to your inquiries concerning the historical importance of the road from Crawfish Springs to Stevens Gap in connection with the establishment of the Chickamauga and Chattanooga National Military Park, I have the honor to say that this was the road over which and along which the main operations of the Union Army preceding the battle of Chickamauga took place, and which is indicated upon the map herewith inclosed by dotted lines in blue, the distance being 12 miles.

The corresponding road over which and along which the operations of the Confederate army took place previous to the battle of Chickamauga is indicated upon the map by the red line on the east side of Pigeon Mountain, extending from Lee and Gordon Mills to Lafayette, a distance of 13 miles.

As the line of the preliminary operations of the Confederate army has already been improved, it would seem entirely appropriate that the corresponding line of operations of the Union Army should also be improved. These preliminary operations of both armies were of an exceedingly inter-

esting character and had most important bearings upon the results of the campaign.

In view of the annual maneuvers which are now contemplated from the national park as a general rendezvous for portions of the Regular Army and the National Guard of most of the States south of the Ohio and the Potomac and east of the Mississippi, it would seem advisable to have one important road along the main line of both Confederate and Union operations. The completion of the line now in question would accomplish this. This would leave various unimproved branch roads running from these main lines of operations into the numerous theaters of detached engagements, and thus leave abundant lines of rough roads for practice over ordinary country lines of travel.

The right of way over this road has already been ceded to the United States by the State of Georgia. It is believed that this road can be completed for the sum suggested in your proposed amendment.

Very respectfully,

H. V. BOYNTON.

HON. ALEXANDER S. CLAY,
United States Senate, Washington, D. C.

Mr. CLAY. Mr. President, I desire to state that when this amendment was introduced it was referred to the Committee on Military Affairs and by the Committee on Military Affairs referred to the Secretary of War, and the Secretary of War has approved the recommendation of General Boynton. The amendment was referred to the Senator from Wisconsin [Mr. QUARLES] as a subcommittee and the Committee on Military Affairs made a unanimous report in favor of the adoption of the amendment; and, as I stated, when it came back to the Senate it was referred to the Committee on Appropriations. I do not know why the Committee on Appropriations rejected it. I exceedingly regret to know that they did. It has been approved by the Secretary of War, it has been approved by the Committee on Military Affairs, and the reasons for its adoption are fully set forth in the letter which has just been read.

Mr. ALLISON. Mr. President, I make the point of order that this is a road to be built in a State outside of the park at Chickamauga. It is the beginning of the construction of numerous roads leading into national parks. It is pure legislation, it was not estimated for, and I make the point of order against it on both those grounds.

Mr. FORAKER. When this matter was considered in the Committee on Military Affairs we were given to understand that the title to the ground over which this road passes is in the United States.

Mr. CLAY. That is correct, I will state to the Senator.

Mr. FORAKER. We did not recommend the amendment without carefully considering it. It had the unanimous report of that committee. This is a part of the ground that has been ceded to the United States, and is a part, and a most important part, of that military reservation or park, whatever we are to call it.

It is, as the letter of General Boynton has stated, the road over which the Union forces operated in connection with that battle. It was used in the preliminary operations. I do not know to what extent the money is to be expended for the improvement of that battlefield, but it seems to me that this is a most important part of it, and it seems so to every member of the Committee on Military Affairs. We had only one opinion about it.

I do not understand that it is the entering wedge to the expenditure of money for the improvement of roads generally, but that it is a very appropriate expenditure of money, if we are to make any improvement there at all. I hope the amendment will be adopted.

It seems to me, in view of what we have done, that this is not new or general legislation, and that the point of order made by the Senator from Iowa can not properly be made against it.

Mr. CLAY. This amendment has been approved by the War Department.

Mr. FORAKER. Yes.

Mr. ALLISON. Mr. President, the fact that the State of Georgia has dedicated this road to the United States gives us no jurisdiction. I will be responsible for the dedication of a great many roads to the United States if the Government will construct them.

We have a number of national parks, and a number of propositions are pending to build roads from different places to those parks and from those parks to various other places. We have expended, and are expending, a large sum of money for national parks; and to go outside of their limits certainly requires legislation.

This is not a new matter. It has undoubtedly been before the Committee on Military Affairs during this entire Congress; it was perfectly competent for that committee to originate legislation for this purpose if they had regarded it as important and pressing, and there will be an opportunity in the next Congress to do so. Therefore I must insist on the point of order.

Mr. FORAKER. Mr. President, I may be misinformed or in error in what I said, and if so, I wish some Senator would correct me. I understand the State of Georgia has done more than merely dedicate this road; that it has made an absolute cession of it as a part of that territory to the United States. That is my information.

Mr. CLAY. I will state, Mr. President, that I went over this matter most thoroughly with General Boynton before I introduced the amendment. I carefully examined the act of the Georgia legislature making this cession, and if there is any question about it I desire to say that I can send and get a copy of the act.

This road has been dedicated by the legislature of the State of Georgia to the National Government.

Mr. ALLISON. Has it been accepted by the National Government?

Mr. CLAY. A right of way over this road has already been ceded to the United States by the State of Georgia. Not only is General Boynton in favor of making this appropriation, but the Secretary of War is in favor of making this appropriation. This road is essential to the completion of the work in connection with the park, and it has been recommended by the unanimous report of the Committee on Military Affairs.

I am sure, Mr. President, that it is not simply opening the way to appropriations to build roads disconnected with the National Government and with the work of the National Government.

I know that the chairman of the committee wants to be just. This matter has been referred to the proper Department, to the Secretary of War, and I repeat he approves it. General Boynton, in charge of this park, approves this work, and the Committee on Military Affairs unanimously recommend this appropriation. So, Mr. President, it does strike me that the amendment ought to be adopted.

The PRESIDING OFFICER. The point of order is sustained.

Mr. McCOMAS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert:

That the Secretary of the Treasury is hereby authorized, as recommended by him, to purchase a site for a depot for the Revenue-Cutter Service at Curtis Creek, Maryland; and for this purpose the sum of \$30,000, or so much thereof as may be necessary, is hereby appropriated.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Maryland.

Mr. ALLISON. That is provided for, though not specifically named in the bill.

Mr. McCOMAS. Then I withdraw the amendment, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. HOAR. I move the amendment which I send to the desk, to come in on page 111, after line 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 111, after line 9, it is proposed to insert:

That the Commissioner of Labor be, and he is hereby, authorized and directed to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia since January 1, 1887; and to enable him to carry out this provision the sum of \$25,000, to be available until exhausted, is hereby appropriated; but should this sum not be sufficient the Commissioner of Labor is authorized to complete the investigation under the regular appropriations for the Department of Labor.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. WARREN. I ask now, pursuant to the notice I gave last night, that the Senate proceed for a few moments to the consideration of unobjected House claims bills on the Calendar.

Mr. CULLOM. Mr. President—

Mr. HOAR. Will the Senator allow me to call up a conference report, which I was not able to call up when it first came over from the other House because of my absence from the Senate? It will take but very few minutes.

Mr. WARREN. I wish the Senator would defer asking me to yield. I suppose the conference report will have precedence; but I hope I may be recognized as entitled to the floor after the presentation of the conference report.

Mr. CULLOM. My purpose in rising, Mr. President, was to move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WARREN] was recognized. Will the Senator restate his request?

Mr. WARREN. Mr. President, I want to make this statement: I gave notice last night—which, of course, I understand is not absolutely binding on the Senate—that I would move this morning, after the close of the morning business, to take up unobjected House claims bills on the Calendar. There are a half

dozen or more of those bills—less than a dozen in all—none of which is a page long, and the whole amount they involve is not more than \$25,000. Unless they are passed immediately it will be useless to take up these bills at this session of Congress, because there is hardly time even now for the Executive to refer them to the various departments and receive answers therefrom. I hope I may be permitted to dispose of these small measures without further delay. It would probably not take longer than ten minutes—certainly not fifteen—to pass such as are unobjected to.

Mr. CULLOM. I do not know whether my motion takes precedence over the motion of the Senator from Wyoming [Mr. WARREN] or not; I think it ought, perhaps, but I am not familiar with the rule on that subject.

The PRESIDENT pro tempore. Has the Senator from Illinois made a motion?

Mr. CULLOM. I attempted to do so, and if I have not already done so, I now move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator let me have a minute further?

Mr. CULLOM. Certainly.

Mr. WARREN. Mr. President, I wish to have it distinctly understood, so far as the bills to which I have referred are concerned, that if we are going to let them go over now, then, of course, we have laid them aside for the session, and I shall not consider that it is my duty as chairman of the Committee on Claims to again call them up or to undertake further to secure their passage. Especially so since the Senator from Kentucky [Mr. BLACKBURN] has instructions by the unanimous vote of a caucus of Democratic Senators to antagonize these and other bills with some so-called trust bill. So I think it is fair to assume, if no further work is done by the Claims Committee and no claims bills passed, the responsibility therefor will rest on the other side, and I will expect relief from the pressure almost constantly applied from that side of the House for consideration of their claims bills.

Mr. CULLOM. I think the ratification of the Panama Canal treaty is more important than the claims bills to which the Senator from Wyoming has referred.

Mr. BLACKBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. BLACKBURN. Mr. President, I am going to make a motion in my own right. I want to raise the question of consideration, Mr. President, and in order to do it, I want to say that our experience for the last three months proves conclusively that the Senate does not intend to permit a vote upon the unfinished business which is now before the Senate, known as the omnibus statehood bill, in the shape that it came from the House of Representatives.

Under instructions unanimously given me by the Democratic caucus of the Senate, I now move, Mr. President, that the Senate proceed to the consideration of House bill No. 17, Order of Business 3030, known as the Littlefield antitrust bill, as amended by the Senate Committee on the Judiciary, reported favorably, and now upon the Calendar.

Mr. CULLOM. Mr. President, I think the motion to go into executive session takes precedence, and I insist on that motion.

Mr. HOAR. I rise to a conference report.

Mr. BLACKBURN. I have the floor, Mr. President, and I do not know how I have been taken off of it.

Mr. HOAR. By a conference report.

Mr. BLACKBURN. I want to add that I do not propose, if my motion shall prevail, that the consideration of the antitrust bill shall interfere in any wise at any time with any appropriation bill or with the consideration of the treaty.

Mr. CULLOM. We will go on with the treaty, then.

The PRESIDING OFFICER. The Chair is constrained to rule that, pending the motion to proceed to the consideration of executive business, the motion of the Senator from Kentucky [Mr. BLACKBURN] can not be entertained.

Mr. HOAR. Mr. President—

Mr. BLACKBURN. I rise to a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky will state his parliamentary inquiry.

Mr. BLACKBURN. Has a Senator no right to raise the question of consideration?

The PRESIDING OFFICER. Not in the Senate of the United States, as the present occupant of the chair understands the rules.

Mr. BLACKBURN. Further inquiring for information upon that parliamentary question, Mr. President, is it true, or does the Chair hold it to be true, that the Senate by a majority vote may not at any time, in its own discretion, exercise its preference as to what measures shall be taken up for consideration?

The PRESIDING OFFICER. The Senate can do that by voting down the motion to proceed to the consideration of executive

business, and then a motion to proceed to the consideration of a bill will be in order.

Mr. BLACKBURN. I respectfully submit the question.

Mr. CULLOM. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. KEAN. Is that motion debatable, Mr. President?

Mr. HOAR. I rise to a question of higher privilege than the motion of the Senator from Illinois [Mr. CULLOM].

Mr. BLACKBURN. Then I give notice that, as soon as this matter is disposed of, I shall continue to renew the motion to take up what is known as the Littlefield antitrust bill at every possible opportunity.

Mr. HOAR. Mr. President, I call up the conference report on the bill for the protection of the President, and ask that it be laid before the Senate.

Mr. CULLOM. Mr. President, I made the motion some time ago that the Senate proceed to the consideration of executive business. The Senator from Massachusetts [Mr. HOAR] has asked that a conference report be considered pending that motion. Whether that is in order or not I am not able to say.

The PRESIDENT pro tempore. Does the Senator withdraw his motion to proceed to the consideration of executive business?

Mr. CULLOM. I do not.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I rise to a question of order.

The PRESIDENT pro tempore. The Senator will please state his question of order.

Mr. HOAR. I understand a conference report takes precedence of a motion for an executive session or of any other motion. It is in the power of the Senate after the conference report is laid before the body to raise the question of consideration, in which case it is not compelled to go on with that business, but I claim that it is well settled that a conference report takes precedence of other motions, even to take a Senator off the floor in the midst of debate. I hope the Senator will not drive us to that extremity. I have been obliged to be absent from the Senate, otherwise I should have felt it to be my duty to present the conference report three or four days ago.

Mr. CULLOM. Mr. President, if there is to be no discussion of the conference report, I will withdraw the motion for an executive session to enable the Senator to bring it in. I want it understood, however, that as against anything else I shall insist upon my motion.

Mr. WELLINGTON. Mr. President, I rise to a question of privilege. I ask for a roll call, as I question the presence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

Mr. BURTON. What is the question, Mr. President?

The PRESIDENT pro tempore. A call of the roll, the want of a quorum having been suggested.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Deniel,	Jones, Ark.	Platt, Conn.
Alger,	Deboe,	Kean,	Platt, N. Y.
Allison,	Dewey,	Kearns,	Pritchard,
Bacon,	Dillingham,	Lodge,	Proctor,
Bard,	Dryden,	McComas,	Rawlins,
Bate,	Dubois,	McEnery,	Simmons,
Berry,	Fairbanks,	Mallory,	Simon,
Blackburn,	Forker,	Martin,	Spooner,
Burnham,	Frye,	Millard,	Taliaferro,
Burton,	Gallinger,	Morgan,	Teller,
Carmack,	Gamble,	Nelson,	Vest,
Clark, Mont.	Hansbrough,	Patterson,	Warren,
Clay,	Harris,	Perkins,	Wellington.
Cullom,	Heitfeld,	Pettus,	

The PRESIDENT pro tempore. Fifty-five Senators have responded to their names. There is a quorum present.

The Chair determines that the Senator from Massachusetts [Mr. HOAR] could present his conference report, and that it would take precedence of the motion to go into executive session. The question of consideration would be one which could be raised, and then must be determined without debate.

Mr. HOAR. Mr. President, I do not wish to use the authority, if there be any, of a conference report to interfere with what the Senate wants to do about this matter. I suppose there is no doubt that at some convenient time whoever is in charge of anything going on will see that I have an opportunity to present that report. I want to say that I have heretofore been unable to present it. It came over from the other House last Thursday, late in the evening. I was obliged to leave town the next day for a few days, and was not able, therefore, to bring it up at the proper time. I withdraw my motion for the present.

Mr. CULLOM. Then I ask that the conference report go over, and I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Has the Senator from Massachusetts presented his conference report?

Mr. HOAR. I will withdraw it. It may be considered as not offered.

EXECUTIVE SESSION.

Mr. CULLOM. I insist upon my motion for an executive session.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. BURTON. Mr. President, I want to be heard on that motion for a moment.

The PRESIDENT pro tempore. The motion is not debatable, and the Senator can not be heard upon it except by unanimous consent.

Mr. BURTON. I want to make an inquiry of the Chair.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. BURTON. I did not hear the motion fully. Is it a motion to go into executive session for any particular purpose?

The PRESIDENT pro tempore. It is a motion to go into executive session only. The question is on that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and five minutes spent in executive session the doors were reopened.

INDIAN APPROPRIATION BILL.

Mr. McCUMBER. I enter a motion to reconsider the vote by which the conference report on the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, was agreed to, and ask that the papers in connection with the report be retained in the Senate for the present.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). The motion to reconsider will be entered.

PRIVATE CORPORATIONS IN ALASKA.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Page 2, line 3, strike out "one" and insert "two;" line 20, after "elected," insert "or appointed."

Page 3, line 3, after "ordinance," insert "to declare what shall be a misdemeanor and;" line 8, after "tax," insert "not to exceed \$2 each;" line 9, strike out "sixty" and insert "fifty;" line 13, after "dogs," insert "not exceeding \$2 a year on each dog;" line 17, after "tax," insert "for municipal purposes;" line 22, strike out all after "that" to and including "public," in line 23, and insert "all;" line 24, strike out "church" and "public;" line 25, strike out "worship" and insert "educational, or charitable purposes shall be exempt from taxation."

Page 4, line 2, after "tax," insert "for municipal purposes;" line 17, strike out "such" and "as;" line 20, after "be," insert "uniform and shall be."

Page 5, line 17, strike out "and."

Page 6, line 19, before "court," insert "district;" and in line 20 strike out all after "by" to and including "same" in line 21, and insert "said clerk."

Page 7, line 10, strike out "and" and insert "shall be;" and line 11, strike out "shall be" and insert "and."

Page 9, line 15, strike out "trustees" and insert "directors;" line 27, strike out second "the" and insert "its;" and line 18, strike out "are" and insert "shall be."

Page 11, line 2, strike out "stockholders" and insert "stock;" line 10, strike out "private."

Page 12, line 4, after "to," insert "cast;" line 7, after "voted," insert "and;" after "represented," insert "at such election," and line 18, strike out "a."

Page 14, line 6, strike out "to the;" and line 7, strike out "stockholders" and insert "each stockholder."

Page 18, line 20, after "increasing," insert "or diminishing."

Page 21, line 22, strike out "just" and insert "actual;" line 23, after "character," insert "location;" and line 25, after "incurred," insert "and whether the same are secured or unsecured and the amount of each kind, and if secured, the character and kind of security;" and

Page 22, line 1, after "salaries," insert "severally."

That the title of said act read as follows: "An act amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes." And the Senate agree to the same.

KNUTE NELSON,
HENRY E. BURNHAM,
T. M. PATTERSON,
Managers on the part of the Senate.

V. WARNER,
HENRY R. GIBSON,
F. A. McLAIN,
Managers on the part of the House.

Mr. NELSON. I ask that the report be printed and lie on the table.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the report be printed and lie on the table. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I present a conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes. I ask that it may be read. It is very brief.

After the reading has taken place, if any Senators desire to debate it, and I am informed there is such a desire, I will not insist on further proceeding with it at this time. I should like to have it read now.

Mr. BACON. It would not be in order for the Senate to proceed with it except by unanimous consent, as I understand.

Mr. HOAR. I think it would be.

Mr. BACON. Under the rule it would have to lie over.

Mr. LODGE. No.

The PRESIDENT pro tempore. The Senator from Massachusetts presents a conference report which will be read.

The Secretary proceeded to read the report.

Mr. PLATT of Connecticut. I wish to make an inquiry.

The PRESIDENT pro tempore. The Senator from Connecticut will state his inquiry.

Mr. PLATT of Connecticut. I desire to know whether this is the conference report which is being read or the original bill?

Mr. BACON. It is the conference report.

The PRESIDENT pro tempore. It is the conference report.

Mr. HOAR. The House substituted a new bill from beginning to end containing a great many of the Senate amendments. Then the conferees agreed on a new draft, and that is what is being read. It is the most convenient possible form.

Mr. PLATT of Connecticut. That is all right.

The PRESIDENT pro tempore. The reading of the report will be proceeded with.

The reading of the report was resumed and concluded.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3653) entitled "An act for the protection of the President of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: In lieu of said amendment of the House insert the following:

"That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President have devolved under the Constitution and laws, shall suffer death.

"SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of any officer of the United States entitled under the Constitution and laws thereof to act as President in case of the removal, death, resignation, or inability of both the President and Vice-President while he is engaged in the performance of his official duties, or because of his official duties or character, or because of his official acts or omissions, or who by so killing such official shall cause such a vacancy in the office by him held at a time when, by the Constitution and laws of the United States, it would be the duty of the person holding such office to act as President, shall suffer death.

"SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill any ambassador or minister of a foreign state or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

"SEC. 4. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than ten years.

"SEC. 5. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, shall aid, abet, advise, or counsel the killing of the President or Vice-President of the United States or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or shall conspire with any other person to accomplish the same, or who shall aid, abet, advise, or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be deemed a principal offender.

"SEC. 6. That any person who shall willfully and knowingly aid in the escape of any person guilty of either of the offenses mentioned in the foregoing sections shall be deemed an accomplice after the fact, and shall be punished as if a principal, although the other party or parties to said offense shall not be indicted or convicted.

"SEC. 7. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, advocates or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the Government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first eight sections of this act, shall be fined not more than \$5,000, or imprisoned not less than one nor more than twenty years, or both.

"SEC. 8. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *Provided*, That no such person shall be allowed to enter as an immigrant.

"That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than \$5,000, or imprisoned for not less than one nor more than five years, or both.

"SEC. 9. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

"That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than \$5,000, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

"That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than \$5,000, or imprisoned not less than one nor more than ten years, or both.

"The foregoing provisions concerning naturalization shall not be in force until ninety days after the approval hereof."

And the House agree to the same.

GEORGE F. HOAR,
CHARLES W. FAIRBANKS,
Managers on the part of the Senate.
JOHN J. JENKINS,
JESSE OVERSTREET,
DAVID A. DE ARMOND,
Managers on the part of the House.

Mr. TELLER. I suggest that the report be printed also as a bill. It seems to be a new bill.

Mr. BACON. Yes; it is practically a new bill.

Mr. HOAR. Let it be so printed.

Mr. TELLER. Let it be printed as a bill as well as in the RECORD.

The PRESIDENT pro tempore. The Senator from Colorado asks that the report may be printed as a bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. I wish to make an observation which will take but half a minute. I understand that the rule that a report must lie over for one day does not apply to conference reports.

Mr. BACON. I think the Senator from Massachusetts is correct. I was incorrect in my former statement.

Mr. HOAR. It is not my purpose to ask the Senate to go on with the consideration of the report now, if the Senator from Georgia and perhaps other Senators desire to debate it, and I understand they do.

Mr. BACON. Yes, sir. The Senator is correct in that understanding.

Mr. HOAR. So I will not ask to have the matter proceeded with further at this time.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 27, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1903.

SURVEYOR OF CUSTOMS.

Nelson F. Handy, of Colorado, to be surveyor of customs for the port of Denver, in the State of Colorado, to succeed Charles H. Brickenstein, whose term of office has expired by limitation.

ASSISTANT ATTORNEY-GENERAL.

Frank L. Campbell, of Ohio, now serving as Assistant Secretary of the Interior, to be Assistant Attorney-General, vice Willis Van Devanter, appointed United States circuit judge for the eighth judicial circuit.

ASSISTANT SECRETARY OF THE INTERIOR.

Melville W. Miller, of Lafayette, Ind., to be Assistant Secretary of the Interior, vice Frank L. Campbell.

INDIAN AGENT.

Lucius A. Wright, of California, to be agent for the Indians of the Mission Tule River Agency in California, his term having expired. (Reappointment.)

PROMOTIONS IN THE NAVY.

1. Passed Assistant Paymaster William T. Gray, to be a paymaster in the Navy from the 19th day of January, 1903, vice Paymaster Livingston Hunt, promoted.

2. Medical Inspector James R. Waggener, to be a medical director in the Navy from the 20th day of January, 1903, vice Medical Director George F. Winslow, retired.

RECEIVER OF PUBLIC MONEYS.

Miss Annie M. Long, of Oregon, to be receiver of public moneys at The Dalles, Oreg., vice Otis Patterson, term expired.

REGISTER OF LAND OFFICE.

Michael T. Nolan, of Oregon, to be register of the land office at The Dalles, Oreg., vice Jay P. Lucas, term expired.

POSTMASTERS.

IDAHO.

William D. Hardwick, to be postmaster at Nezperce, in the county of Nez Perces and State of Idaho. Office became Presidential January 1, 1903.

IOWA.

John C. Campbell, to be postmaster at Bellevue, in the county of Jackson and State of Iowa, in place of John C. Campbell. Incumbent's commission expires March 3, 1903.

James M. Carl, to be postmaster at Lone Tree, in the county of Johnson and State of Iowa. Office became Presidential January 1, 1903.

KANSAS.

W. P. Bosworth, to be postmaster at Paola, in the county of Miami and State of Kansas, in place of William D. Greason. Incumbent's commission expired May 19, 1902.

John P. Harris, to be postmaster at Ottawa, in the county of Franklin and State of Kansas, in place of John P. Harris. Incumbent's commission expired January 7, 1903.

Asbury L. McMillan, to be postmaster at Stafford, in the county of Stafford and State of Kansas, in place of George W. Fort. Incumbent's commission expired January 27, 1903.

MICHIGAN.

Sidney E. Lawrence, to be postmaster at Hudson, in the county of Lenawee and State of Michigan, in place of Charles Steuerwald. Incumbent's commission expired February 21, 1903.

NEBRASKA.

Dennis H. Cronin, to be postmaster at O'Neill, in the county of Holt and State of Nebraska, in place of Dennis H. Cronin. Incumbent's commission expired February 16, 1903.

NEW JERSEY.

William S. Jackson, to be postmaster at Belmar, in the county of Monmouth and State of New Jersey, in place of William S. Jackson. Incumbent's commission expired July 7, 1902.

Marcellus L. Jackson, to be postmaster at Hammonton, in the county of Atlantic and State of New Jersey, in place of Marcellus L. Jackson. Incumbent's commission expires March 3, 1903.

NEW YORK.

Harrold R. Every, to be postmaster at Athens, in the county of Greene and State of New York, in place of Harrold R. Every. Incumbent's commission expired February 10, 1903.

David G. Montross, to be postmaster at Peekskill, in the county of Westchester and State of New York, in place of David G. Montross. Incumbent's commission expired February 21, 1903.

John A. Raser, to be postmaster at Harrison, in the county of Westchester and State of New York. Office became Presidential July 1, 1902.

OHIO.

Edward J. Lewis, to be postmaster at Girard, in the county of Trumbull and State of Ohio, in place of Edward J. Lewis. Incumbent's commission expires March 3, 1903.

PENNSYLVANIA.

Harry K. Frontz, to be postmaster at Montgomery, in the county of Lycoming and State of Pennsylvania, in place of Samuel M. Rhone. Incumbent's commission expires March 3, 1903.

James E. Hunter, to be postmaster at Turtle Creek, in the county of Allegheny and State of Pennsylvania, in place of William L. Hunter, removed.

James S. Kennedy, to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania, in place of James S. Kennedy. Incumbent's commission expires March 3, 1903.

John Lutz, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania, in place of Solomon S. Metzger. Incumbent's commission expired February 25, 1899.

Frank A. Moesta, to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania, in place of Frank A. Moesta. Incumbent's commission expired February 20, 1903.

Frank G. Sairs, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania, in place of Frank G. Sairs. Incumbent's commission expired May 4, 1902.

RHODE ISLAND.

James E. Bowen, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in place of James E. Bowen. Incumbent's commission expired June 23, 1902.

SOUTH DAKOTA.

Evan J. Edwards, to be postmaster at Bowdle, in the county of Edmunds and State of South Dakota, in place of Evan J. Edwards. Incumbent's commission expired February 15, 1903.

TEXAS.

William McManis, to be postmaster at Baird, in the county of Callahan and State of Texas, in place of William McManis. Incumbent's commission expired February 6, 1903.

Erwin W. Owen, to be postmaster at Eagle Pass, in the county of Maverick and State of Texas, in place of Erwin W. Owen. Incumbent's commission expired February 15, 1903.

Henry J. Veltmann, to be postmaster at Brackettville, in the county of Kinney and State of Texas. Office became Presidential January 1, 1903.

Louis Weete, to be postmaster at Columbus, in the county of Colorado and State of Texas, in place of Louis Weete. Incumbent's commission expired January 27, 1903.

VIRGINIA.

H. B. Nichols, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in place of John R. Waddy, deceased.

WEST VIRGINIA.

Edwin H. Flynn, to be postmaster at Spencer, in the county of Roane and State of West Virginia, in place of Cyrus A. Crislip. Incumbent's commission expired February 10, 1903.

WISCONSIN.

Thomas Hughes, to be postmaster at Beaver Dam, in the county of Dodge and State of Wisconsin, in place of Thomas Hughes. Incumbent's commission expires March 3, 1903.

Charles Kinnach, to be postmaster at Cudahy, in the county of Milwaukee and State of Wisconsin, in place of Michael J. Madden, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1903.

CONSUL.

Horace L. Worcester, of New Hampshire, to be consul of the United States at Saltillo, Mexico.

SURVEYOR-GENERAL.

Matthew Kyle, of Nevada, to be surveyor-general of Nevada.

REGISTER OF THE LAND OFFICE.

Bruce Wilcox, of Alliance, Nebr., to be register of the land office at Alliance, Nebr.

MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado.

APPOINTMENTS IN THE ARMY.

Brig. Gen. Henry C. Merriam, United States Army, retired, to be major-general, United States Army, February 19, 1903.

Medical Department.

1. Charles Franklin Craig, of Connecticut, to be assistant surgeon with the rank of first lieutenant, February 18, 1903.

2. William Phythian Banta, of Kentucky, to be assistant surgeon with the rank of first lieutenant, February 18, 1903.

PROMOTIONS IN THE ARMY.

Pay Department.

Maj. William F. Tucker, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, February 19, 1903.

Corps of Engineers.

Lient. Col. Oswald H. Ernst, Corps of Engineers, to be colonel, February 20, 1903.

Maj. Daniel W. Lockwood, Corps of Engineers, to be lieutenant-colonel, February 20, 1903.

Infantry Arm.

Lient. Col. Albert L. Myer, Eleventh Infantry, to be colonel, February 23, 1903.

Maj. Alfred Reynolds, United States Infantry, inspector-general, to be lieutenant-colonel, February 23, 1903.

Lient. Col. Owen J. Sweet, Twenty-first Infantry, to be colonel, February 18, 1903.

Maj. Cornelius Gardener, Thirteenth Infantry, to be lieutenant-colonel, February 18, 1903.

Capt. William Black, Twenty-fourth Infantry, to be major, February 18, 1903.

First Lient. Berkeley Enochs, Twenty-fifth Infantry, to be captain, February 18, 1903.

Ordnance Department.

1. Lient. Col. Frank H. Phipps, Ordnance Department, to be colonel, February 17, 1903.

2. Lieut. Col. James W. Reilly, Ordnance Department, to be colonel, February 18, 1903.
3. Maj. John Pitman, Ordnance Department, to be lieutenant-colonel, February 17, 1903.
4. Maj. Charles Shaler, Ordnance Department, to be lieutenant-colonel, February 18, 1903.
5. Capt. Orin B. Mitcham, Ordnance Department, to be major, February 17, 1903.
6. Capt. Henry D. Borup, Ordnance Department, to be major, February 18, 1903.
7. First Lieut. Samuel Hof, Ordnance Department, to be captain, February 17, 1903.

Quartermaster's Department.

- Lieut. Col. Charles A. H. McCauley, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, February 24, 1903.
- Maj. Theodore E. True, quartermaster, to be deputy quartermaster-general with rank of lieutenant-colonel, February 24, 1903.
- Capt. John T. Knight, quartermaster, to be quartermaster with rank of major, February 24, 1903.

Cavalry Arm.

- Lieut. Col. Eugene D. Dimmick, Second Cavalry, to be colonel, February 22, 1903.
- Maj. Samuel L. Woodward, First Cavalry, to be lieutenant-colonel, February 22, 1903.
- Capt. Joseph A. Gaston, Eighth Cavalry, to be major, February 22, 1903.
- First Lieut. Lanning Parsons, Fourth Cavalry, to be captain, February 22, 1903.

Artillery Corps.

- Lieut. Col. George G. Greenough, Artillery Corps, to be colonel, February 21, 1903.
- Maj. Peter Leary, jr., Artillery Corps, to be lieutenant-colonel, February 21, 1903.
- Capt. James C. Bush, Artillery Corps, to be major, February 21, 1903.

POSTMASTERS.

CALIFORNIA.

- George F. Hirsch, to be postmaster at Longbeach, in the county of Los Angeles and State of California.
- Eri Huggins, to be postmaster at Fort Bragg, in the county of Mendocino and State of California.
- George D. Cunningham, to be postmaster at Riverside, in the county of Riverside and State of California.
- Warren A. Woods, to be postmaster at Suisun City, in the county of Solano and State of California.

CONNECTICUT.

- Charles A. Keyes, to be postmaster at Southington, in the county of Hartford and State of Connecticut.

IDAHO.

- Sophia Davis, to be postmaster at Caldwell, in the county of Canyon and State of Idaho.
- Burt Venable, to be postmaster at Payette, in the county of Canyon and State of Idaho.
- John W. Peters, to be postmaster at Rathdrum, in the county of Kootenai and State of Idaho.
- Arthur P. Hamley, to be postmaster at Kendrick, in the county of Latah and State of Idaho.
- Amy C. Reiley, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana.
- H. C. Edwards, to be postmaster at Marksville, in the parish of Avoyelles and State of Louisiana.
- Bernard Isaacs, to be postmaster at Gueydan, in the parish of Vermilion and State of Louisiana.
- Joseph T. Labit, to be postmaster at Abbeville, in the parish of Vermilion and State of Louisiana.
- Henry C. Ray, to be postmaster at Monroe, in the parish of Ouachita and State of Louisiana.
- Raoul J. Biennu, to be postmaster at St. Martinville, in the parish of St. Martin and State of Louisiana.

MASSACHUSETTS.

- Harry C. Thomas, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts.

MICHIGAN.

- Frank W. Clark, to be postmaster at Lake Odessa, in the county of Ionia and State of Michigan.
- Joseph L. Baird, to be postmaster at Marine City, in the county of St. Clair and State of Michigan.

NEVADA.

- James C. Doughty, to be postmaster at Tuscarora, in the county of Elko and State of Nevada.

NEW HAMPSHIRE.

- Walter W. Mason, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire.

NEW JERSEY.

- Charles C. Cowperthwait, to be postmaster at Mount Holly, in the county of Burlington and State of New Jersey.
- William B. Singleton, to be postmaster at Toms River, in the county of Ocean and State of New Jersey.
- Charles Walton, to be postmaster at Woodbury, in the county of Gloucester and State of New Jersey.

NEW YORK.

- Chauncey E. Argersinger, to be postmaster at Albany, in the county of Albany and State of New York.
- Alfred G. Boshart, to be postmaster at Lowville, in the county of Lewis and State of New York.
- Horace L. Burrill, to be postmaster at Weedsport, in the county of Cayuga and State of New York.
- Herbert B. Easton, to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York.
- Edward L. Nolan, to be postmaster at Chateaugay, in the county of Franklin and State of New York.
- Frank R. Utter, to be postmaster at Friendship, in the county of Allegany and State of New York.
- Charles I. Purdy, to be postmaster at Marlboro, in the county of Ulster and State of New York.
- Charles B. Ball, to be postmaster at Montour Falls, in the county of Schuyler and State of New York.
- Joseph E. Cole, to be postmaster at Perry, in the county of Wyoming and State of New York.
- Genevieve French, to be postmaster at Sag Harbor, in the county of Suffolk and State of New York.
- Louis Lafferrander, to be postmaster at Sayville, in the county of Suffolk and State of New York.
- Eli B. Black, to be postmaster at Whitney Point, in the county of Broome and State of New York.

OHIO.

- Otis T. Locke, to be postmaster at Tiffin, in the county of Seneca and State of Ohio.
- John Washington, to be postmaster at Sabina, in the county of Clinton and State of Ohio.

PENNSYLVANIA.

- Merrick Davidson, to be postmaster at Emlenton, in the county of Venango and State of Pennsylvania.
- Warren B. Masters, to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania.
- Jesse Ransberry, to be postmaster at East Stroudsburg, in the county of Monroe and State of Pennsylvania.
- Charles W. Oberg, to be postmaster at Mount Jewett, in the county of McKean and State of Pennsylvania.
- Joseph I. Latimer, to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania.
- Frank H. McCully, to be postmaster at Osceola Mills, in the county of Clearfield and State of Pennsylvania.
- William A. Boyd, to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania.
- Barnett C. Fretts, to be postmaster at Scottdale, in the county of Westmoreland and State of Pennsylvania.
- John T. Palmer, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania.
- David P. Hughes, to be postmaster at East Mauch Chunk, in the county of Carbon and State of Pennsylvania.

TENNESSEE.

- James M. Pardue, to be postmaster at Sweetwater, in the county of Monroe and State of Tennessee.

TEXAS.

- J. Allen Myers, to be postmaster at Bryan, in the county of Brazos and State of Texas.

VIRGINIA.

- James Carter, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia.

WEST VIRGINIA.

- James B. Campbell, to be postmaster at New Cumberland, in the county of Hancock and State of West Virginia.
- James H. Dunn, to be postmaster at Sutton, in the county of Braxton and State of West Virginia.
- Alice Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia.

WISCONSIN.

- Arthur W. James, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin.
- Eldon D. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin.

William H. Johnson, to be postmaster at Berlin, in the county of Green Lake and State of Wisconsin.

Ira P. Coon, to be postmaster at Plainfield, in the county of Waushara and State of Wisconsin.

James W. Meiklejohn to be postmaster at Waupun, in the county of Fond du Lac and State of Wisconsin.

Anah Crocker to be postmaster at Spooner, in the county of Washburn and State of Wisconsin.

Leonard H. Kimball to be postmaster at Neenah, in the county of Winnebago and State of Wisconsin.

Cyrus C. Glass, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin.

Frank H. Marshall, to be postmaster at Kilbourn, in the county of Columbia and State of Wisconsin.

Samuel W. Everson, to be postmaster at Lodi, in the county of Columbia and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 26, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

Mr. RICHARDSON of Tennessee. I make the point of order that no quorum is present. The rules require that a quorum shall appear before the Journal is read.

The SPEAKER. The Chair will count the House.

After the count,

The SPEAKER. One hundred and sixty-one members are present—not a quorum.

Mr. PAYNE. I move a call of the House.

The SPEAKER (having put the question). The ayes have it. A call of the House is ordered.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. SHERMAN. I make the point of order that the demand is dilatory, and comes too late.

The SPEAKER. The Chair had announced the result.

Mr. RICHARDSON of Tennessee. I was on my feet in time, but in consequence of the disorder I could not be heard. I demand a division.

Mr. DALZELL. Too late.

Mr. RICHARDSON of Tennessee. It is not too late.

The SPEAKER. The Chair thinks it is too late, but will entertain the demand.

Mr. RICHARDSON of Tennessee. I could not have made the demand more promptly. I pledge my word—

The SPEAKER. The Chair has ruled that he will give the division, although he thinks the call was too late.

The SPEAKER proceeded to put the question again.

Mr. RICHARDSON of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll; those in favor of the motion for a call of the House will vote "aye;" contrary opinion, "no."

The Clerk began to call the roll.

Mr. RICHARDSON of Tennessee (interrupting the call). Mr. Speaker, we can not hear what is going on at the desk. I ask for order. I could not hear the announcement of the Chair as to the response of members. I understood the Chair to say that gentlemen would vote "aye" or "no." Should not the response be "present" on a call of the House? I want to hear the statement of the Chair as to what the motion is. I could not hear it.

The SPEAKER. This is a motion for a call of the House. Those in favor of the motion will vote "aye;" those opposed, will vote "no." The Clerk will call the roll.

The question was taken; and there were—yeas 239, nays 0, answered "present" 18, not voting 94; as follows:

YEAS—239.

Adams,	Brandee,	Capron,	Dahle,
Alexander,	Brazeeale,	Cassel,	Dalzell,
Allen, Ky.	Brick,	Clark,	Darragh,
Allen, Me.	Bristow,	Clayton,	Davey, La.
Babcock,	Brown,	Cochran,	Davidson,
Ball, Del.	Brownlow,	Conner,	Davis, Fla.
Ball, Tex.	Brundidge,	Coombs,	De Armond,
Bankhead,	Burgess,	Cooper, Tex.	Dick,
Barney,	Burk, Pa.	Cooper, Wis.	Dinsmore,
Bartholdt,	Burke, S. Dak.	Corliss,	Dougherty,
Bartlett,	Burkett,	Cousins,	Douglas,
Bates,	Burleigh,	Cowherd,	Draper,
Benton,	Burleson,	Cromer,	Driscoll,
Billmeyer,	Burton,	Crowley,	Dwight,
Bishop,	Butler, Pa.	Crumpacker,	Emerson,
Boreing,	Caldwell,	Currier,	Esch,
Bowersock,	Candler,	Curtis,	Feely,
Bowie,	Cannon,	Cushman,	Finley,

Fitzgerald,	Kitchin, Wm. W.	Moon,	Smith, Iowa
Flanagan,	Kluttz,	Morris,	Smith, Ky.
Fletcher,	Knapp,	Mudd,	Smith, H. C.
Flood,	Kyle,	Needham,	Smith, S. W.
Foerderer,	Lacey,	Ohmsted,	Smith, Wm. Alden
Foss,	Lamb,	Otjen,	Snodgrass,
Foster, Vt.	Landis,	Overstreet,	Snook,
Fowler,	Latimer,	Padgett,	Southard,
Gaines, W. Va.	Lawrence,	Palmer,	Sparkman,
Gardner, Mass.	Lessler,	Parker,	Sperry,
Gardner, Mich.	Lester,	Patterson, Pa.	Stark,
Gardner, N. J.	Lewis, Ga.	Payne,	Steele,
Gilbert,	Lewis, Pa.	Pierce,	Stephens, Tex.
Gillett, Mass.	Lindsay,	Powers, Me.	Stevens, Minn.
Glass,	Littauer,	Powers, Mass.	Stewart, N. Y.
Glenn,	Little,	Pugsley,	Storm,
Goldfogle,	Littlefield,	Randell, Tex.	Sullivan,
Gooch,	Livingston,	Reeves,	Tawney,
Gordon,	Lloyd,	Reid,	Taylor, Ohio
Graff,	Long,	Rhea,	Taylor, Ala.
Graham,	Loud,	Richardson, Ala.	Thayer,
Greene, Mass.	Loudenslager,	Richardson, Tenn.	Thomas, Iowa
Grosvenor,	Lovering,	Rixey,	Thomas, N. C.
Grow,	McAndrews,	Robb,	Thompson,
Hamilton,	McCall,	Robertson, La.	Tompkins, Ohio
Haskins,	McClellan,	Robinson, Ind.	Trimble,
Hedge,	McCulloch,	Rucker,	Van Voorhis,
Hemenway,	McLachlan,	Russell,	Vreeland,
Henry, Conn.	McRae,	Ryan,	Wachter,
Henry, Tex.	Maddox,	Scarborough,	Wadsworth,
Hepburn,	Mahoney,	Scott,	Warner,
Hill,	Marshall,	Shackelford,	Warnock,
Hitt,	Martin,	Shallenberger,	Weeks,
Hopkins,	Mercer,	Shattuc,	Wiley,
Howard,	Metcalf,	Shelden,	Williams, Ill.
Howell,	Mickey,	Sheppard,	Williams, Miss.
Hull,	Miers, Ind.	Showalter,	Wilson,
Jack,	Miller,	Sibley,	Woods,
Jenkins,	Minor,	Sims,	Wright,
Johnson,	Moody,	Slayden,	Young,
Jones, Wash.	Kern,	Small,	Zenor.
Joy,	Kitchin, Claude	Smith, Ill.	

NAYS—0.

ANSWERED "PRESENT"—18.

Adamson,	Dovener,	Mann,	Sulzer,
Bell,	Eddy,	Maynard,	Tirrell,
Boutell,	Jones, Va.	Pearce,	White.
Cassingham,	Kahn,	Prince,	
Deemer,	McCleary,	Sherman,	

NOT VOTING—94.

Acheson,	Fordney,	Ketcham,	Roberts,
Aplin,	Poster, Ill.	Kleberg,	Robinson, Nebr.
Beidler,	Fox,	Knox,	Ruppert,
Bellamy,	Gaines, Tenn.	Lassiter,	Schirm,
Belmont,	Gibson,	Lever,	Selby,
Bingham,	Gill,	McDermott,	Shafroth,
Blackburn,	Gillet, N. Y.	McLain,	Skiles,
Blakeney,	Green, Pa.	Mahon,	Southwick,
Brantley,	Griffith,	Meyer, La.	Spight,
Bromwell,	Griggs,	Mondell,	Stewart, N. J.
Broussard,	Hanbury,	Morgan,	Sutherland,
Bull,	Haugen,	Morrell,	Swann,
Burnett,	Hay,	Moss,	Swanson,
Butler, Mo.	Heatwole,	Mutchler,	Talbert,
Calderhead,	Henry, Miss.	Napen,	Tate,
Connell,	Hildebrandt,	Neville,	Tompkins, N. Y.
Conry,	Holliday,	Nevin,	Underwood,
Cooney,	Hooker,	Newlands,	Vandiver,
Creamer,	Hughes,	Norton,	Wanger,
Dayton,	Irwin,	Patterson, Tenn.	Watson,
Edwards,	Jackson, Kans.	Perkins,	Wheeler,
Elliott,	Jackson, Md.	Pou,	Wooten.
Evans,	Jett,	Ransdell, La.	
Fleming,	Kehoe,	Reeder,	

So a call of the House was ordered.

Mr. ADAMSON (who had voted in the affirmative). Mr. Speaker, I ask whether the gentleman from Pennsylvania, Mr. WANGER, voted?

The SPEAKER. He did not.

Mr. ADAMSON. Then I desire to withdraw my vote, as I am paired with that gentleman, and wish to be recorded "present."

Mr. BOUTELL (who had voted in the affirmative). Mr. Speaker, I wish to inquire whether the gentleman from Georgia, Mr. GRIGGS, has voted?

The SPEAKER. He did not.

Mr. BOUTELL. Then I desire to withdraw my vote and be recorded "present."

The following pairs were announced:

For the session:

Mr. KAHN with Mr. BELMONT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MANN with Mr. JETT.

Mr. WANGER with Mr. ADAMSON.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BOUTELL with Mr. GRIGGS.

Mr. HEATWOLE with Mr. TATE.

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. DOVENER with Mr. BROUSSARD.

Mr. CONNELL with Mr. SHAFROTH.

Mr. PRINCE with Mr. GRIFFITH.

Mr. BINGHAM with Mr. ELLIOTT.

Until Monday:

Mr. SUTHERLAND with Mr. FOSTER of Illinois.

Until Friday:

Mr. SCOTT with Mr. JACKSON of Kansas.

For the day:

Mr. MONDELL with Mr. WOOTE.

Mr. SKILES with Mr. PATTERSON of Tennessee.

Mr. JACKSON of Maryland with Mr. NAPHEN.

Mr. IRWIN with Mr. McLAIN.

Mr. MAHON with Mr. NORTON.

Mr. HUGHES with Mr. LEVER.

Mr. HOLLIDAY with Mr. LASSITER.

Mr. HAUGEN with Mr. McDERMOTT.

Mr. GILLET of New York with Mr. TALBERT.

Mr. HANBURY with Mr. HENRY of Mississippi.

Mr. FORDNEY with Mr. FOX.

Mr. EVANS with Mr. EDWARDS.

Mr. CALDERHEAD with Mr. CREAMER.

Mr. BULL with Mr. BUTLER of Missouri.

Mr. BLACKBURN with Mr. BRANTLEY.

Mr. McCLEARY with Mr. NEWLANDS.

Mr. MORGAN with Mr. POU.

Mr. KNOX with Mr. NEVILLE.

Mr. REEDER with Mr. ROBINSON of Nebraska.

Mr. SCHIRM with Mr. SELBY.

Mr. STEWART of New Jersey with Mr. VANDIVER.

Mr. SOUTHWICK with Mr. SWANN.

Mr. TOMPKINS of New York with Mr. SPIGHT.

Mr. BLAKENEY with Mr. WHITE.

Mr. TIRRELL with Mr. CONRY.

Mr. WATSON with Mr. BURNETT.

Mr. KETCHAM with Mr. GAINES of Tennessee.

For the vote:

Mr. GILL with Mr. HOOKER.

Mr. GIBSON with Mr. HAY.

Mr. PERKINS with Mr. RANDELL of Louisiana.

Mr. NEVIN with Mr. UNDERWOOD.

Mr. ROBERTS with Mr. SWANSON.

Mr. BEIDLER with Mr. BELLAMY.

Mr. ACHESON with Mr. BELL.

So a call of the House was ordered.

Mr. PAYNE. Mr. Speaker, I move to dispense with all proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from New York to dispense with further proceedings under the call.

The question was taken; and on a division, demanded by Mr. RICHARDSON of Tennessee, there were—ayes 137, noes 78.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point that that is dilatory.

Mr. RICHARDSON of Tennessee. What is the ruling of the Chair?

Mr. PAYNE. Mr. Speaker, the gentleman demands tellers and I make the point that that is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I demand the yeas and nays, a constitutional right.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to dispense with further proceedings under the call.

The question was taken; and there were—yeas 233, nays 7, answered "present" 22, not voting 89; as follows:

YEAS—233.

Adams,	Breazeale,	Capron,	Darragh,
Alexander,	Brick,	Cassell,	Davey, La.
Allen, Ky.	Bristow,	Clark,	Davidson,
Allen, Me.	Brown,	Clayton,	Davis, Fla.
Aplin,	Brownlow,	Cochran,	Dick,
Babcock,	Bull,	Conner,	Dinsmore,
Ball, Del.	Burgess,	Coombs,	Dougherty,
Ball, Tex.	Burk, Pa.	Cooper, Wis.	Douglas,
Barney,	Burke, S. Dak.	Coress,	Draper,
Bartholdt,	Burkett,	Cousins,	Driscoll,
Bates,	Burleigh,	Creamer,	Dwight,
Bellamy,	Burleson,	Cromer,	Emerson,
Benton,	Burton,	Crumpacker,	Esch,
Billmeyer,	Butler, Mo.	Currier,	Feely,
Bishop,	Butler, Pa.	Curtis,	Fitzgerald,
Boreing,	Caldwell,	Cushman,	Flanagan,
Bowersock,	Candler,	Dahle,	Fletcher,
Bowie,	Cannon,	Dalzell,	Flood,

Foerderer,	Kehoe,	Moon,	Smith, S. W.
Fordney,	Kern,	Morris,	Smith, Wm. Alden
Foss,	Kitchin, Claude	Mudd,	Snodgrass,
Foster, Vt.	Kluttz,	Needham,	Snook,
Gaines, W. Va.	Knapp,	Nevin,	Southard,
Gardner, Mass.	Kyle,	Newlands,	Southwick,
Gardner, Mich.	Lacey,	Olmsted,	Sparkman,
Gardner, N. J.	Lamb,	Otjen,	Sperry,
Gibson,	Landis,	Overstreet,	Stark,
Gilbert,	Latimer,	Padgett,	Steele,
Gill,	Lawrence,	Palmer,	Stephens, Tex.
Gillet, N. Y.	Lessler,	Parker,	Stevens, Minn.
Gillett, Mass.	Lester,	Patterson, Pa.	Stewart, N. Y.
Goldfogle,	Lever,	Payne,	Storm,
Graff,	Lewis, Ga.	Pearre,	Sulloway,
Graham,	Lewis, Pa.	Pierce,	Tate,
Greene, Mass.	Lindsay,	Powers, Me.	Tawney,
Grosvenor,	Littauer,	Powers, Mass.	Taylor, Ohio
Grow,	Little,	Randell, Tex.	Thayer,
Hamilton,	Littlefield,	Reeder,	Thomas, Iowa
Hanbury,	Livingston,	Reeves,	Thomas, N. C.
Haskins,	Lloyd,	Rhea,	Thompson,
Haugen,	Long,	Rixey,	Tompkins, Ohio
Hay,	Loudenslager,	Robb,	Trimble,
Heatwole,	McCall,	Roberts,	Van Voorhis,
Hedge,	McCleary,	Robinson, Ind.	Vreeland,
Hemenway,	McClellan,	Russell,	Wachter,
Henry, Conn.	McCulloch,	Ryan,	Wadsworth,
Hepburn,	McLachlan,	Scarborough,	Warner,
Hill,	Mahon,	Scott,	Warnock,
Hitt,	Marshall,	Shackelford,	Weeks,
Holliday,	Martin,	Shattuc,	Wiley,
Howard,	Mercer,	Shelden,	Williams, Ill.
Howell,	Metcalfe,	Sheppard,	Wilson,
Hull,	Mickey,	Showalter,	Woods,
Jack,	Miers, Ind.	Sims,	Wright,
Jackson, Md.	Miller,	Small,	Young,
Jenkins,	Minor,	Smith, Ill.	Zenor.
Johnson,	Mondell,	Smith, Iowa	
Jones, Wash.	Moody,	Smith, Ky.	
Joy,		Smith, H. C.	

NAYS—7.

Brandegge,	De Armond,	Jones, Va.	Vandiver.
Cowherd,	Hooker,	Rucker,	

ANSWERED "PRESENT"—22.

Adamson,	Dayton,	Mann,	Slayden,
Bartlett,	Deemer,	Maynard,	Sulzer,
Bell,	Dovener,	Prince,	Tirrell,
Boutell,	Elliott,	Richardson, Tenn.	Underwood.
Brundidge,	Kahn,	Robertson, La.	
Cassingham,	Kitchin, Wm. W.	Sherman,	

NOT VOTING—89.

Acheson,	Fowler,	McAndrews,	Schirm,
Bankhead,	Fox,	McDermott,	Selby,
Beidler,	Gaines, Tenn.	McLain,	Shafroth,
Belmont,	Glass,	McRae,	Shallenberger,
Bingham,	Glenn,	Maddox,	Sibley,
Blackburn,	Gooch,	Mahoney,	Skiles,
Blakeney,	Gordon,	Meyer, La.	Spight,
Brantley,	Green, Pa.	Morgan,	Stewart, N. J.
Bromwell,	Griffith,	Morrell,	Sutherland,
Broussard,	Griggs,	Moss,	Swann,
Burnett,	Henry, Miss.	Mutchler,	Swanson,
Calderhead,	Henry, Tex.	Naphe,	Talbert,
Connell,	Hildebrand,	Neville,	Taylor, Ala.
Conry,	Hopkins,	Norton,	Tompkins, N. Y.
Cooney,	Hughes,	Patterson, Tenn.	Wanger,
Cooper, Tex.	Irwin,	Perkins,	Watson,
Crowley,	Jackson, Kans.	Pou,	Wheeler,
Eddy,	Jett,	Pugsley,	White,
Edwards,	Ketcham,	Randsell, La.	Williams, Miss.
Evans,	Kleberg,	Reid,	Wooten.
Finley,	Knox,	Richardson, Ala.	
Fleming,	Lassiter,	Robinson, Nebr.	
Foster, Ill.	Loud,	Ruppert,	

The following additional pairs were announced:

For the vote:

Mr. EDDY with Mr. COOPER of Texas.

Mr. HOPKINS with Mr. MADDOX.

Mr. LOUD with Mr. McRAE.

Mr. SIBLEY with Mr. FINLEY.

Mr. STEWART of New Jersey with Mr. REID.

Mr. MOSS with Mr. PUGSLEY.

Mr. WARNER with Mr. TAYLOR of Alabama.

Mr. BEIDLER with Mr. RICHARDSON of Alabama.

Mr. CALDERHEAD with Mr. SHALLENBERGER.

Mr. BOUTELL with Mr. GRIGGS.

So the motion to dispense with further proceedings under the call was agreed to.

Mr. MIERS of Indiana. Mr. Speaker, my colleague from Indiana [Mr. GRIFFITH] is sick, and I desire to have him excused—

The SPEAKER. These statements are not allowable at this time.

Mr. MIERS of Indiana. May I not have him excused for a couple of days?

The SPEAKER. Not at this stage of the proceedings.

The result of the vote was announced as above recorded.

The SPEAKER. Further proceedings under the call of the House are dispensed with. The doors will be opened by the officers of the House. The Clerk will cause the Journal to be read in full.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

During the reading.

Mr. UNDERWOOD said: Mr. Speaker, I rise to a parliamentary inquiry. I understood the Speaker to order the Clerk to read the Journal in full. I note that the Clerk has not read the conference report that was ordered to be printed, and should be a part of the Journal as well as the RECORD.

The SPEAKER. If the Clerk has omitted any part of the Journal he will correct it by reading it now. The Clerk assures the Chair that he has not omitted a word.

Mr. PAYNE. Regular order. I call the attention of the gentleman to the fact that the Clerk is reading the Journal, not the RECORD.

Mr. UNDERWOOD. But the conference report should be a part of the Journal.

The SPEAKER. That is not the case.

The Clerk proceeded with the reading of the Journal to and including the statement of the adjournment of the House.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. PAYNE, Mr. RICHARDSON of Tennessee, and Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from New York.

Mr. PAYNE. Mr. Speaker, I move that the Journal as read stand approved.

The SPEAKER. The gentleman from New York moves that the Journal as read stand approved.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit that the Journal has not been read yet.

The SPEAKER. What does the gentleman point out that has not been read?

Mr. RICHARDSON of Tennessee. The reports of committees on public bills and resolutions, and the presentation of public bills and resolutions, a number of them, which should be in the Journal if they are not; bills that are regularly introduced and referred.

Mr. PAYNE. Mr. Speaker, of course the bills as introduced do not appear in the Journal.

Mr. RICHARDSON of Tennessee. Why not?

Mr. PAYNE. It would be ridiculous to put them there. They are on the files of the House and they are referred to intelligently in the Journal. I make this motion, Mr. Speaker, for two reasons. One is that there is an evident intention on the part of certain gentlemen in the House to delay the proceedings of the House—

Mr. RICHARDSON of Tennessee. Oh, well, that is gratuitous, entirely.

Mr. PAYNE. Mr. Speaker—

The SPEAKER. The Chair is ready to rule upon this. It is quite true that these addenda at the close of the Journal have not been read in practice, but the Chair thinks that they are such part of the Journal that they will have to be read if the reading is demanded.

Mr. RICHARDSON of Tennessee. I demand it.

The SPEAKER. The Clerk will read the addenda.

The Clerk resumed and completed the reading.

Mr. PAYNE and Mr. RUSSELL rose.

The SPEAKER. The gentleman from New York.

Mr. PAYNE. I renew my motion that the Journal as read stand approved.

The SPEAKER. The Chair would ask if the gentleman will yield for a moment to hear the statement of the gentleman from Texas.

Mr. RUSSELL. I desire to ask unanimous consent, Mr. Speaker, for a correction of the RECORD on page 2816.

Mr. PAYNE. Of the RECORD?

Mr. RUSSELL. Yes.

Mr. PAYNE. This is the Journal.

Mr. RUSSELL. Well, both. The same mistake occurs in both. The gentleman from New Jersey [Mr. FOWLER] made a motion that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of House bill 16228. Upon the point of order being made by the gentleman from Georgia [Mr. BARTLETT] that there was no quorum, the Speaker ordered a call of the House and instructed us that those who favored going into the Committee of the Whole House should vote "aye," those opposed "no." Now, I am published in the RECORD, on page 2817, as having voted "aye," when I in reality voted "no." I ask unanimous consent that the RECORD and Journal be corrected so as to conform to this state of facts.

The SPEAKER. That correction will be made according to the statement of the gentleman from Texas.

Mr. HAY. I object.

Mr. PAYNE. I wish to say a word on my motion.

The SPEAKER. The Chair desires to say a word about this objection. In the early history of the Congress gentlemen were not allowed to change a vote in the Journal; but it has become more and more liberalized until it has become an absolute right to have it corrected and has been so treated where he is wrongfully recorded, and so it will be corrected in this case. The gentleman from New York.

Mr. HAY. But, Mr. Speaker, the gentleman asked unanimous consent.

The SPEAKER. It does not matter in what form he puts it; he gets the facts before the House; and on the statement he is certainly entitled to have his vote corrected.

Mr. UNDERWOOD. Mr. Speaker—

Mr. PAYNE. As I was saying when interrupted—

Mr. RICHARDSON of Tennessee. I understood the gentleman to demand the previous question. He certainly can not debate that.

Mr. PAYNE. He has not demanded the previous question.

Mr. DALZELL. He did not demand the previous question.

Mr. UNDERWOOD. Those were his words.

Mr. PAYNE. I was proceeding to debate my motion when the gentleman from Tennessee made his point of order to the Chair that the bills, and so forth, should be read, and I replied to that that there was no rule for the reading of the bills. It seems he meant the titles of the bills as they appear in the Journal. I supposed they had all been read, and therefore made my reply to that suggestion. I have not yet demanded the previous question, but I shall do so; I will inform the gentleman in my own time.

Mr. RICHARDSON of Tennessee. I need no information from the gentleman. I could not get much information from him. Much obliged.

Mr. PAYNE. I do not know whether it would sink in.

Mr. RICHARDSON of Tennessee. I would not go to the gentleman from New York to get it, and would be disposed to think that I would be disappointed if I expected to be informed by him.

Mr. PAYNE. Now, Mr. Speaker, I make this motion for two reasons. As I said before, one is that it appears to be the disposition upon the part of some gentlemen to delay the consideration of matters before the House, and if I did not make that motion I have no doubt but what there would be numerous corrections of the Journal to be made, probably with a yea-and-nay vote, and all that sort of thing. Another thing, Mr. Speaker, I believe the Journal to be correct. Usually we have found the Journal to be correct, and seldom find any errors in it. There seems to be no disposition on the part of any gentleman to question its correctness except in the instance of the gentleman from Texas.

Mr. SMITH of Kentucky. Will the gentleman from New York yield to me for a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. PAYNE. Yes, sir.

Mr. SMITH of Kentucky. If the gentleman says the Journal is correct, I want to ask the gentleman from New York if he does not believe that the rules governing this House require conference reports shall be entered upon the Journal?

Mr. PAYNE. In answer to the gentleman in regard to that I will say that the rule provides that conference reports must be presented to the House and printed in the RECORD. The rule says printed in the RECORD. That was done in this case. The rule says the report shall be printed in the RECORD, and then the rule further provides that after it has been embalmed in the RECORD, in twenty-four hours thereafter it may be called up in the House and action had in the House, and when action is taken by the House it appears in the Journal, and that appears to have been done with the conference reports that were called up yesterday. They were brought up for discussion in the House, acted upon in the House, and they appear in the Journal in full, as they should appear. But when the report is simply brought into the House, introduced and filed for the purpose of being printed under the rule, there is no rule of the House, and there is no rule of common sense, that would require it to be entered on the Journal.

Mr. SMITH of Kentucky. Let me read one paragraph from the rules.

Mr. PAYNE. No; I do not yield for the gentleman to read the rules. I am thoroughly familiar with them. I now move the previous question on my motion.

Mr. UNDERWOOD. Mr. Speaker, I desire to correct the RECORD. So far as a vote is concerned, the gentleman has consumed ten minutes in debate and proposes to cut off all debate.

The SPEAKER. This is all out of order. The gentleman from New York has demanded the previous question.

Mr. PAYNE. Regular order.

Mr. UNDERWOOD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The question is on the demand for the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 46, answered "present" 15, not voting 133; as follows:

YEAS—157.

Acheson,	Dick,	Jackson, Md.	Powers, Me.
Adams,	Douglas,	Jenkins,	Powers, Mass.
Alexander,	Draper,	Jones, Wash.	Reeder,
Allen, Me.	Driscoll,	Joy,	Reeves,
Aplin,	Dwight,	Knapp,	Roberts,
Babcock,	Eddy,	Kyle,	Shattuc,
Ball, Del.	Emerson,	Lacey,	Shelden,
Barney,	Esch,	Latimer,	Showalter,
Bartholdt,	Fletcher,	Lawrence,	Sibley,
Bates,	Foerderer,	Lessler,	Smith, Ill.
Bishop,	Fordney,	Lewis, Pa.	Smith, Iowa
Blackburn,	Foss,	Littauer,	Smith, H. C.
Boreing,	Foster, Vt.	Littlefield,	Smith, S. W.
Boutell,	Fowler,	Long,	Southard,
Bowersock,	Gaines, W. Va.	Loudenslager,	Southwick,
Brandegge,	Gardner, Mass.	Loving,	Sperry,
Brick,	Gardner, Mich.	McCleary,	Steele,
Bristow,	Gardner, N. J.	Mahon,	Stevens, Minn.
Brown,	Gibson,	Marshall,	Stewart, N. Y.
Brownlow,	Gill,	Martin,	Storm,
Burk, Pa.	Gillett, Mass.	Mercer,	Sulloway,
Burke, S. Dak.	Gordon,	Miller,	Tawney,
Burleigh,	Graft,	Minor,	Taylor, Ohio
Burton,	Graham,	Mondell,	Thomas, Iowa
Butler, Pa.	Greene, Mass.	Moody,	Tompkins, Ohio
Calderhead,	Grosvenor,	Morgan,	Van Voorhis,
Cannon,	Grow,	Morrell,	Vreeland,
Capron,	Hamilton,	Morris,	Wachter,
Cassel,	Hanbury,	Mudd,	Wadsworth,
Conner,	Haskins,	Needham,	Warner,
Coombs,	Haugen,	Nevin,	Warnock,
Cousins,	Hedge,	Olmsted,	Watson,
Cromer,	Hemenway,	Otjen,	Weeks,
Currier,	Hepburn,	Overstreet,	Weeks,
Curtis,	Hill,	Palmer,	Woods,
Cushman,	Hitt,	Parker,	Wright,
Dahle,	Holliday,	Patterson, Pa.	Young.
Dalzell,	Howell,	Payne,	
Darragh,	Hughes,	Pearre,	
Davidson,	Hull,	Perkins,	

NAYS—46.

Adamson,	Davey, La.	Maddox,	Sims,
Allen, Ky.	De Armond,	Mickey,	Snodgrass,
Ball, Tex.	Feely,	Miers, Ind.	Stark,
Bankhead,	Goldfogle,	Moon,	Sulzer,
Billmeyer,	Griggs,	Neville,	Taylor, Ala.
Breazale,	Kern,	Randell, Tex.	Thomas, N. C.
Burgess,	Kitchin, Wm. W.	Richardson, Tenn.	Underwood,
Candler,	Kluttz,	Rixey,	Williams, Ill.
Cassingham,	Lamb,	Robertson, La.	Wilson,
Clark,	Lester,	Robinson, Ind.	Zenor.
Creaner,	Livingston,	Russell,	
Crowley,	Lloyd,	Sheppard,	

ANSWERED "PRESENT"—15.

Bell,	Heatwole,	Maynard,	Sherman,
Dayton,	Kahn,	Metcalf,	Swann,
Deemer,	McCall,	Richardson, Ala.	Tirrell,
Fox,	Mann,	Scott,	

NOT VOTING—133.

Bartlett,	Evans,	Ryan,
Beidler,	Finley,	Scarborough,
Bellamy,	Fitzgerald,	Schirm,
Belmont,	Flanagan,	Selby,
Benton,	Fleming,	Shackelford,
Bingham,	Flood,	Shafroth,
Blakeney,	Foster, Ill.	Shallenberger,
Bowie,	Gaines, Tenn.	Skiles,
Brantley,	Gilbert,	Slayden,
Bromwell,	Gillet, N. Y.	Small,
Broussard,	Glass,	Smith, Ky.
Brundidge,	Glenn,	Smith, Wm. Alden
Bull,	Gooch,	Snook,
Burkett,	Green, Pa.	Sparkman,
Burleson,	Griffith,	Spight,
Burnett,	Hay,	Stephens, Tex.
Butler, Mo.	Henry, Conn.	Stewart, N. J.
Caldwell,	Henry, Miss.	Sutherland,
Clayton,	Henry, Tex.	Swanson,
Cochran,	Hildebrandt,	Talbert,
Connell,	Hooker,	Tate,
Conry,	Hopkins,	Thayer,
Cooney,	Howard,	Thompson,
Cooper, Tex.	Irwin,	Tompkins, N. Y.
Cooper, Wis.	Jack,	Trimble,
Corliss,	Jackson, Kans.	Vandiver,
Cowherd,	Jett,	Wheeler,
Crumpacker,	Johnson,	White,
Davis, Fla.	Jones, Va.	Wiley,
Dinsmore,	Kehoe,	Williams, Miss.
Dougherty,	Ketcham,	Wooten.
Dovener,	Kitchin, Claude	
Edwards,	Kleberg,	
Elliott,	Knox,	

So the motion to order the previous question was agreed to.

The following pairs were announced:

On this vote:

Mr. KNOX with Mr. FINLEY.
 Mr. WM. ALDEN SMITH with Mr. JONES of Virginia.
 Mr. McLACHLAN with Mr. COWHERD.
 Mr. LANDIS with Mr. CLAYTON.
 Mr. JACK with Mr. CALDWELL.
 Mr. HOPKINS with Mr. BURLISON.
 Mr. HENRY of Connecticut with Mr. BRUNDIDGE.
 Mr. CRUMPACKER with Mr. BOWIE.
 Mr. COOPER of Wisconsin with Mr. BENTON.
 Mr. CORLISS with Mr. BARTLETT.

Mr. MCCALL. Mr. Speaker, I would like to inquire whether the gentleman from New York [Mr. MCCLELLAN] has voted?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman is not recorded.

Mr. MCCALL. I would like to change my vote from "yea" to "present."

The name of Mr. MCCALL was called, and he voted "present," as above recorded.

Mr. MARTIN. Mr. Speaker, I desire to be recorded.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. MARTIN. I was.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called Mr. MARTIN's name, and he voted "aye," as above recorded.

Mr. GOLDFOGLE. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. GOLDFOGLE. I was, and failed to hear it.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GOLDFOGLE, and he voted "no," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the Journal as read stand approved.

The question was taken; and Mr. RICHARDSON of Tennessee demanded a division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

The SPEAKER. That correction will be made on the statement of the gentleman. The Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 62, answered "present" 21, not voting 119; as follows:

YEAS—149.

Acheson,	Draper,	Jenkins,	Powers, Me.
Adams,	Driscoll,	Jones, Wash.	Powers, Mass.
Alexander,	Dwight,	Joy,	Reeder,
Allen, Me.	Emerson,	Knapp,	Reeves,
Aplin,	Esch,	Kyle,	Shattuc,
Ball, Del.	Fletcher,	Lacey,	Shelden,
Barney,	Foerderer,	Lawrence,	Showalter,
Bartholdt,	Fordney,	Lessler,	Sibley,
Bates,	Fowler,	Lewis, Pa.	Smith, Ill.
Beidler,	Gaines, W. Va.	Littauer,	Smith, Iowa
Bishop,	Gardner, Mass.	Littlefield,	Smith, H. C.
Boutell,	Gardner, Mich.	Long,	Smith, S. W.
Bowersock,	Gardner, N. J.	Loud,	Southard,
Brandegge,	Gibson,	Loudenslager,	Southwick,
Brick,	Gill,	Loving,	Sperry,
Bristow,	Gillet, N. Y.	McCleary,	Steele,
Brown,	Gillett, Mass.	Mahon,	Stevens, Minn.
Bull,	Graft,	Marshall,	Stewart, N. Y.
Burk, Pa.	Graham,	Martin,	Storm,
Burke, S. Dak.	Greene, Mass.	Miller,	Sulloway,
Burkett,	Grosvenor,	Minor,	Tawney,
Burleigh,	Grow,	Mondell,	Thomas, Iowa
Butler, Mo.	Hamilton,	Moody,	Tompkins, Ohio
Butler, Pa.	Hanbury,	Morgan,	Underwood,
Calderhead,	Haskins,	Morrell,	Van Voorhis,
Cannon,	Haugen,	Morris,	Vreeland,
Capron,	Hedge,	Mudd,	Wachter,
Cassel,	Hemenway,	Needham,	Wadsworth,
Coombs,	Henry, Conn.	Nevin,	Warner,
Cooper, Wis.	Hill,	Olmsted,	Warnock,
Cousins,	Hitt,	Otjen,	Watson,
Cromer,	Holliday,	Overstreet,	Weeks,
Currier,	Howell,	Palmer,	Weeks,
Curtis,	Hughes,	Parker,	Wright,
Cushman,	Hull,	Patterson, Pa.	Young.
Dalzell,	Irwin,	Payne,	
Darragh,	Jack,	Pearre,	
Davidson,	Jackson, Md.	Perkins,	

NAYS—62.

Allen, Ky.	Bowie,	Candler,	Cooney,
Ball, Tex.	Brundidge,	Clark,	Crowley,
Bartlett,	Burleson,	Clayton,	De Armond,
Billmeyer,	Caldwell,	Cochran,	Dinsmore,

Dougherty,
Feely,
Gilbert,
Hay,
Howard,
Kehoe,
Kern,
Kitchin, Wm. W.
Klutz,
Lever,
Lindsay,
Livingston,

Lloyd,
McCulloch,
McLain,
McRae,
Maynard,
Mickey,
Neville,
Padgett,
Pierce,
Pou,
Ransdell, La.
Rhea,

Richardson, Tenn.
Rixey,
Robb,
Robertson, La.
Robinson, Ind.
Russell,
Scarborough,
Shackelford,
Sheppard,
Slayden,
Snodgrass,
Snook,

Stark,
Stephens, Tex.
Sulzer,
Swann,
Thompson,
Vandiver,
Wiley,
Williams, Ill.
Williams, Miss.
Zenor.

ANSWERED "PRESENT"—21.

Bell,
Cassingham,
Cooper, Tex.
Dayton,
Deemer,
Dovener,

Eddy,
Fox,
Glass,
Goldfogle,
Jones, Va.
Lamb,

Mann,
Metcalf,
Prince,
Scott,
Sherman,
Sims,

Tate,
Tirrell,
Wanger.

NOT VOTING—119.

Adamson,
Baibcock,
Bankhead,
Bellamy,
Belmont,
Benton,
Bingham,
Blackburn,
Blakeney,
Boreing,
Brantley,
Brazeeale,
Bromwell,
Broussard,
Brownlow,
Burgess,
Burnett,
Burton,
Connell,
Conner,
Conry,
Corliss,
Cowherd,
Creamer,
Crumpacker,
Dahle,
Davey, La.
Davis, Fla.
Dick,
Douglas,

Edwards,
Elliot,
Evans,
Finley,
Fitzgerald,
Flanagan,
Fleming,
Flood,
Foss,
Foster, Ill.
Foster, Vt.
Gaines, Tenn.
Glenn,
Gooch,
Gordon,
Green, Pa.
Griffith,
Griggs,
Heatwole,
Henry, Miss.
Henry, Tex.
Hepburn,
Hildebrandt,
Hooker,
Hopkins,
Jackson, Kans.
Jett,
Johnson,
Kahn,
Ketcham,

Kitchin, Claude
Kleberg,
Knox,
Landis,
Lassiter,
Latimer,
Lester,
Lewis, Ga.
Little,
McAndrews,
McCall,
McClellan,
McDermott,
McLachlan,
Maddox,
Mahoney,
Mercer,
Meyer, La.
Miers, Ind.
Moon,
Moss,
Mutchler,
Naphen,
Newlands,
Norton,
Patterson, Tenn.
Pugsley,
Randell, Tex.
Reid,
Richardson, Ala.

Roberts,
Robinson, Nebr.
Rucker,
Ruppert,
Ryan,
Schirm,
Selby,
Shafroth,
Shallenberger,
Skiles,
Small,
Smith, Ky.
Smith, Wm. Alden
Sparkman,
Spight,
Stewart, N. J.
Sutherland,
Swanson,
Talbert,
Taylor, Ohio
Taylor, Ala.
Thayer,
Thomas, N. C.
Tompkins, N. Y.
Trimble,
Wheeler,
White,
Wilson,
Wooten.

So the motion of Mr. PAYNE, that the Journal as read stand approved, was agreed to.

Mr. BALL of Texas. Mr. Speaker, did the gentleman from New York [Mr. ALEXANDER] vote?

The SPEAKER. He has voted.

Mr. BALL of Texas. I have a general pair with the gentleman.

The following additional pairs were announced:

On this vote:

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. BOREING with Mr. FINLEY.

Mr. BROWNLOW with Mr. FITZGERALD.

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

Mr. DICK with Mr. FLANAGAN.

Mr. CONNER with Mr. COWHERD.

Mr. MERCER with Mr. MADDOX.

Mr. HOPKINS with Mr. GORDON.

Until 4 o'clock:

Mr. BABCOCK with Mr. SIMS.

For balance of the day:

Mr. CORLISS with Mr. BURNETT.

Mr. UNDERWOOD (having voted in the negative). Mr. Speaker, I desire to change my vote from "no" to "aye."

The name of Mr. UNDERWOOD being again called, he voted in the affirmative.

The result of the vote was then announced as above recorded.

Mr. UNDERWOOD. Mr. Speaker, there being an admitted error in the Journal [cries of "Regular order!"], I move to reconsider the vote by which the Journal has been approved.

Mr. PAYNE. I make the point of order that that motion is dilatory.

Mr. UNDERWOOD. And I wish to state to the Speaker—

Mr. PAYNE. I insist on my point of order.

The SPEAKER. The gentleman from New York makes the point of order that the motion of the gentleman from Alabama [Mr. UNDERWOOD] is dilatory; and the Chair sustains the point of order.

Mr. UNDERWOOD. Before the Chair sustains the point of order—

The SPEAKER. The point of order is sustained.

Mr. UNDERWOOD. I appeal from the decision of the Chair.

The SPEAKER. The Chair rules that out as dilatory. [Applause on the Republican side.]

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table—

Mr. RICHARDSON of Tennessee. I demand the regular order. Mr. WADSWORTH (continuing). The Agricultural appropriation bill, to disagree to all the amendments of the Senate and ask for a committee of conference.

Mr. RICHARDSON of Tennessee. I demand the regular order. The SPEAKER. Did the gentleman from Tennessee hear the request of the gentleman from New York [Mr. WADSWORTH]?

Mr. RICHARDSON of Tennessee. I did. We have rules; let us enforce them; that is all. I demand the regular order.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. OLMSTED].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles.

H. R. 7864. An act to pay John F. Lawson \$237.96 balance due him for services as United States mail carrier;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 12322. An act granting an increase of pension to William F. Wilcox;

H. R. 11682. An act granting a pension to Mary E. Winterbottom;

H. R. 11701. An act granting an increase of pension to John C. Wright;

H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;

H. R. 2199. An act to remove the charge of desertion from the military record of Jonas Albert;

H. R. 15665. An act granting an increase of pension to John H. Carr;

H. R. 18316. An act granting an increase of pension to Benjamin F. Olcott;

H. R. 14448. An act granting an increase of pension to James M. Cartmill;

H. R. 8149. An act granting an increase of pension to James B. Martin;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 4723. An act granting a pension to George A. Liston;

H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;

H. R. 14938. An act granting a pension to Benjamin F. Wilson;

H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;

H. R. 6724. An act granting an increase of pension to Julia Stilwell;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 16858. An act granting an increase of pension to James P. Foster;

H. R. 15873. An act granting an increase of pension to Minerva Murphy;

H. R. 11739. An act granting an increase of pension to Samuel N. Northway;

H. R. 16344. An act granting a pension to Lucinda Lawrence;

H. R. 13605. An act for the relief of George A. Detchemendy;

H. R. 5010. An act granting an increase of pension to James W. Pace;

H. R. 9799. An act granting an increase of pension to Mary Murphy;

H. R. 1238. An act granting a pension to Margaret A. Stuart;

H. R. 12611. An act granting a pension to Alexander J. Thomson;

H. R. 1257. An act granting an increase of pension to James F. Campbell;

H. R. 13711. An act granting a pension to Simon M. Yates;

H. R. 14263. An act granting an increase of pension to Frederick Journal;

H. R. 15785. An act granting an increase of pension to John H. Wheeler;

H. R. 15528. An act granting an increase of pension to John C. Williams;

H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;

H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;

H. R. 14235. An act granting an increase of pension to George White;

H. R. 15533. An act granting an increase of pension to William H. France;

H. R. 14758. An act granting an increase of pension to Mary A. Talbot;

H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;

- H. R. 15362. An act granting an increase of pension to Grace Harrington;
H. R. 13881. An act granting a pension to William M. Wilson;
H. R. 4952. An act granting a pension to Abner D. Rutherford;
H. R. 15894. An act granting an increase of pension to Lewis P. Everett;
H. R. 8711. An act granting an increase of pension to William C. Crawford;
H. R. 7367. An act granting a pension to Ellen D. Campbell;
H. R. 5960. An act granting an increase of pension to Lambert Johnston;
H. R. 5446. An act granting an increase of pension to James M. Travis;
H. R. 11075. An act granting an increase of pension to Albert J. Hart;
H. R. 15431. An act granting and increase of pension to Elias Simpson;
H. R. 15636. An act granting a pension to Matilda Tunison;
H. R. 9154. An act granting an increase of pension to Lillie V. Ball;
H. R. 13612. An act granting a pension to Margaret Bell;
H. R. 16309. An act granting a pension to Samuel H. Montanye;
H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;
H. R. 9912. An act granting an increase of pension to Matilda Smith;
H. R. 1274. An act granting an increase of pension to Mary E. Fleming;
H. R. 5982. An act granting an increase of pension to Christine B. Knapp;
H. R. 11428. An act granting an increase of pension to Plummer Lewis;
H. R. 7308. An act granting an increase of pension to Mary Monley;
H. R. 962. An act granting a pension to Rodney W. Anderson;
H. R. 3752. An act granting an increase of pension to John E. Pickard;
H. R. 11020. An act granting an increase of pension to Oliver P. Alsbach;
H. R. 11189. An act granting an increase of pension to Jennie M. Gilbert;
H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;
H. R. 7510. An act granting an increase of pension to Edward M. Gammon;
H. R. 2616. An act granting an increase of pension to Mary J. Goodrich;
H. R. 5907. An act granting a pension to David S. Taylor;
H. R. 2787. An act granting an increase of pension to Cornelia S. Ribble;
H. R. 14813. An act granting a pension to William Mennecke;
H. R. 6127. An act granting an increase of pension to Catherine P. McLorinen;
H. R. 13634. An act granting an increase of pension to Helen Olivia Leckie;
H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;
H. R. 13485. An act granting an increase of pension to Louisa Josephine Stanwood;
H. R. 12382. An act granting an increase of pension to William Sands;
H. R. 15906. An act granting an increase of pension to Joseph Grennue;
H. R. 13723. An act granting an increase of pension to Oliver C. Jackson;
H. R. 8244. An act granting a pension to Bridget Logan;
H. R. 11625. An act granting an increase of pension to Alexander H. Taylor;
H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;
H. R. 1016. An act granting a pension to Charles S. F. Hilton;
H. R. 7332. An act granting an increase of pension to Elizabeth Lister;
H. R. 3207. An act granting a pension to Johanna Buse;
H. R. 1422. An act granting an increase of pension to Sarah E. Merritt;
H. R. 12492. An act granting an increase of pension to Callie West;
H. R. 13719. An act granting a pension to Nancy McGuire;
H. R. 8005. An act granting a pension to Samantha A. Newcomb;
H. R. 7844. An act granting a pension to Alonzo Pendland;
H. R. 12771. An act granting a pension to William Kenny;
H. R. 16423. An act granting an increase of pension to Elizabeth B. Abbott;
H. R. 16364. An act granting an increase of pension to Patrick Carney;
H. R. 12602. An act granting an increase of pension to Amanda Burke;
H. R. 8812. An act granting an increase of pension to Henry Staff;
H. R. 3026. An act granting a pension to Martha J. Bishop;
H. R. 16368. An act granting an increase of pension to Eliza M. Hutchinson;
H. R. 7736. An act granting an increase of pension to Albert W. Allen;
H. R. 12638. An act granting an increase of pension to John W. Day;
H. R. 6617. An act granting an increase of pension to Hugh Cool;
H. R. 13945. An act granting an increase of pension to Edward T. Durant;
H. R. 8165. An act granting an increase of pension to Oscar M. Peck;
H. R. 15793. An act granting an increase of pension to George Skinner;
H. R. 14217. An act granting an increase of pension to George M. Smith;
H. R. 4501. An act granting a pension to Sarah D. Lightfoot;
H. R. 9491. An act granting an increase of pension to John W. Brattain;
H. R. 15387. An act granting an increase of pension to Lott Van Nordstrand;
H. R. 14938. An act granting a pension to Benjamin F. Wilson;
H. R. 833. An act granting an increase of pension to George H. Van Deusen;
H. R. 11388. An act granting a pension to William Vogan;
H. R. 11616. An act granting an increase of pension to Isaac Harris;
H. R. 7760. An act granting an increase of pension to Thomas Graham;
H. R. 16210. An act granting an increase of pension to John C. Callahan;
H. R. 14930. An act granting an increase of pension to William Houseal;
H. R. 7312. An act granting an increase of pension to James Curley;
H. R. 13793. An act granting an increase of pension to Solomon A. Alexander;
H. R. 15343. An act granting an increase of pension to Louis W. Rowe;
H. R. 6719. An act granting an increase of pension to John H. Hall;
H. R. 15964. An act granting an increase of pension to Michael Murphy;
H. R. 2264. An act granting an increase of pension to George H. Higgins;
H. R. 15443. An act granting a pension to Endora Wells;
H. R. 13323. An act granting an increase of pension to Mary E. Barger;
H. R. 15812. An act granting an increase of pension to Lucien B. Love;
H. R. 15422. An act granting an increase of pension to John Mosgrove;
H. R. 16361. An act granting an increase of pension to John W. Chancellor;
H. R. 6593. An act granting an increase of pension to Harry L. Graham;
H. R. 5876. An act granting an increase of pension to Jacob E. Richards;
H. R. 16073. An act granting an increase of pension to John H. Smith;
H. R. 3353. An act granting an increase of pension to John H. Kehn;
H. R. 3265. An act granting an increase of pension to Henry Pensinger;
H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;
H. R. 7110. An act granting a pension to Margaret Scanlon;
H. R. 3261. An act granting a pension to George R. Grubaugh;
H. R. 942. An act granting a pension to John B. Dougherty;
H. R. 15746. An act granting a pension to Daniel R. Lucas;
H. R. 659. An act granting an increase of pension to Winfield Pierce;
H. R. 16291. An act granting a pension to Laban McGahan;
H. R. 1637. An act granting an increase of pension to John A. Spalding;
H. R. 14027. An act granting an increase of pension to Thomas J. Winfrey;

H. R. 15674. An act granting an increase of pension to John A. T. McPherson;
 H. R. 15466. An act granting an increase of pension to John H. Robson;
 H. R. 5281. An act granting an increase of pension to Patrick Mahan;
 H. R. 4632. An act granting an increase of pension to William P. Rhodes;
 H. R. 6656. An act granting a pension to Samantha Yant;
 H. R. 14475. An act granting an increase of pension to David E. Lawton;
 H. R. 700. An act granting an increase of pension to Eben Slawson;
 H. R. 15748. An act granting an increase of pension to William Whitlock;
 H. R. 16697. An act granting a pension to Ellen Johnson;
 H. R. 4925. An act granting a pension to Joel Thomason;
 H. R. 16381. An act granting an increase of pension to Lymus Wallace;
 H. R. 15618. An act granting an increase of pension to William O. Boughton;
 H. R. 16313. An act granting an increase of pension to James L. Davenport;
 H. R. 12021. An act granting an increase of pension to Anson Lewis;
 H. R. 16445. An act granting an increase of pension to Luke Madden;
 H. R. 9570. An act granting an increase of pension to Isaac Garbrion;
 H. R. 14361. An act granting an increase of pension to Joseph M. Alexander;
 H. R. 7895. An act granting an increase of pension to Sarah Bowen;
 H. R. 10869. An act granting an increase of pension to Michael K. Strayer;
 H. R. 9237. An act granting an increase of pension to John Wallace;
 H. R. 15617. An act granting an increase of pension to William Keith;
 H. R. 15558. An act granting an increase of pension to David A. Baldwin;
 H. R. 6493. An act granting an increase of pension to John A. Whitman;
 H. R. 8023. An act granting an increase of pension to John Downing;
 H. R. 16391. An act granting a pension to Ella F. Shandrew;
 H. R. 15721. An act granting an increase of pension to Walter A. Porter;
 H. R. 15733. An act granting an increase of pension to Martin G. Cole;
 H. R. 11958. An act granting a pension to Henry H. Windes;
 H. R. 10175. An act granting an increase of pension to Mary R. Bayly, formerly Mary S. Redlick;
 H. R. 8085. An act granting an increase of pension to David K. Wardwell;
 H. R. 17303. An act granting an increase of pension to Abraham W. Huffman;
 H. R. 16423. An act granting an increase of pension to Eliza B. Abbott;
 H. R. 16210. An act granting an increase of pension to John C. Callahan;
 H. R. 16353. An act granting an increase of pension to William F. Ritchie;
 H. R. 17120. An act granting an increase of pension to Charles Shirar;
 H. R. 16996. An act granting an increase of pension to John Bougher;
 H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden;
 H. R. 17298. An act granting an increase of pension to Clara E. Smith;
 H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;
 H. R. 14448. An act granting a pension to James M. Carlmill;
 H. R. 9274. An act granting a pension to Jessie V. Cluxton;
 H. R. 14439. An act granting an increase of pension to Franklin Peale;
 H. R. 16756. An act granting an increase of pension to John Brown;
 H. R. 304. An act granting an increase of pension to George M. Duffy;
 H. R. 4155. An act granting an increase of pension to Eliza Wende;
 H. R. 16538. An act granting an increase of pension to William Downs;

H. R. 10691. An act granting an increase of pension to Daniel Van Wie;
 H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;
 H. R. 16859. An act granting a pension to Florence M. Stout;
 H. R. 16717. An act granting an increase of pension to Albert W. Thompson;
 H. R. 16856. An act granting a pension to John Burke;
 H. R. 6876. An act granting an increase of pension to Thomas B. Faught;
 H. R. 16752. An act granting a pension to Anton Sauthoff;
 H. R. 18713. An act granting an increase of pension to Rebecca Randolph;
 H. R. 15842. An act granting a pension to Mary M. Talcott;
 H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;
 H. R. 11122. An act granting an increase of pension to John W. Copley;
 H. R. 11958. An act granting an increase of pension to Henry H. Windes;
 H. R. 10505. An act granting a pension to Mabel A. Woolsey;
 H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;
 H. R. 15696. An act granting an increase of pension to Milton D. Wells;
 H. R. 2913. An act granting a pension to Catherine A. Sawdy;
 H. R. 17043. An act granting an increase of pension to Martha Maddox;
 H. R. 1519. An act granting a pension to Nellie A. Batchelder;
 H. R. 4066. An act granting an increase of pension to Philip Krohn;
 H. R. 6065. An act granting an increase of pension to James Garland;
 H. R. 2911. An act granting a pension to Charles M. Walker;
 H. R. 4734. An act granting a pension to Deborah J. Fogle;
 H. R. 4740. An act granting an increase of pension to J. E. Wallace;
 H. R. 16786. An act granting an increase of pension to John C. Sauter;
 H. R. 15403. An act granting an increase of pension to Milton C. Norton;
 H. R. 15404. An act granting an increase of pension to William M. Hattery;
 H. R. 15915. An act granting an increase of pension to Frank Stoppard;
 H. R. 7433. An act granting an increase of pension to B. C. Knapp;
 H. R. 16419. An act granting a pension to James Harrison;
 H. R. 16857. An act granting an increase of pension to Oliver H. Kill;
 H. R. 16784. An act granting an increase of pension to Michael Howe;
 H. R. 16787. An act granting an increase of pension to R. G. Hanscom;
 H. R. 17133. An act granting a pension to Kathinka Sichel;
 H. R. 16048. An act granting a pension to John Graham;
 H. R. 15619. An act granting an increase of pension to Charles Strong;
 H. R. 17093. An act granting a pension to Caroline Schaefer;
 H. R. 14929. An act granting a pension to John Keen;
 H. R. 16667. An act granting an increase of pension to Leroy N. Buell;
 H. R. 16000. An act granting an increase of pension to John A. Amaden;
 H. R. 15440. An act granting an increase of pension to John Fullerton;
 H. R. 6969. An act for the relief of Visa C. Morrill;
 H. R. 6724. An act granting an increase of pension to Julia A. Stilwell;
 H. R. 5586. An act granting a pension to Oliver M. Newton;
 H. R. 16929. An act granting an increase of pension to William H. Trites;
 H. R. 16785. An act granting an increase of pension to Collins W. Wright;
 H. R. 17179. An act granting an increase of pension to Christopher G. Divers;
 H. R. 16201. An act granting an increase of pension to Jeffery Hufford;
 H. R. 17110. An act granting an increase of pension to Robert Tracy;
 H. R. 15730. An act granting an increase of pension to Hans A. Grove;
 H. R. 4723. An act granting a pension to George A. Liston;
 H. R. 16858. An act granting an increase of pension to James P. Foster;

- H. R. 11739. An act granting an increase of pension to S. N. Northway;
- H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;
- H. R. 15645. An act granting a pension to Capt. Wilson French;
- H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
- H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;
- H. R. 17119. An act granting an increase of pension to James Flannigan;
- H. R. 5763. An act granting a pension to William H. I. Hostetter;
- H. R. 17101. An act granting an increase of pension to Joanna Glaser;
- H. R. 16696. An act granting an increase of pension to Freeling H. Amick;
- H. R. 8061. An act granting a pension to Frances E. Wild;
- H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;
- H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;
- H. R. 17233. An act granting a pension to John Haynes;
- H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
- H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
- H. R. 1062. An act granting an increase of pension to E. P. Stearns;
- H. R. 14236. An act granting an increase of pension to William E. Chatfield;
- H. R. 10506. An act granting a pension to Frances E. Luse, widow of Jesse B. Luse;
- H. R. 16476. An act granting a pension to Katharine Rayle;
- H. R. 16351. An act granting an increase of pension to Austin P. Merrell;
- H. R. 2813. An act granting a pension to Emily Hawkins;
- H. R. 16275. An act granting a pension to Isaac B. Price;
- H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;
- H. R. 15629. An act granting an increase of pension to Edward Tattersall;
- H. R. 14091. An act granting a pension to Charles A. Warrick;
- H. R. 6189. An act granting an increase of pension to Eli Potts;
- H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger;
- H. R. 16077. An act granting a pension to Leighton M. Pervell, alias Charles H. Hunt;
- H. R. 17090. An act granting an increase of pension to James T. Price;
- H. R. 16352. An act granting an increase of pension to Mary L. Stotsenburg;
- H. R. 1087. An act granting a pension to Matthew W. Lincoln;
- H. R. 10760. An act granting a pension to Wallace L. Scott;
- H. R. 17306. An act granting a pension to Catharine McGuinn;
- H. R. 16314. An act granting an increase of pension to Richard S. Howarth;
- H. R. 7708. An act granting an increase of pension to Bridget Fallon;
- H. R. 11871. An act granting an increase of pension to Ferdinand Heiskell;
- H. R. 16212. An act granting an increase of pension to Sanders W. Johnston;
- H. R. 12090. An act granting a pension to Arvilla N. Stocker;
- H. R. 15573. An act granting a pension to Cynthia Thomas;
- H. R. 15688. An act granting an increase of pension to Franklin Williams;
- H. R. 17234. An act granting an increase of pension to David Flynn;
- H. R. 6470. An act granting an increase of pension to S. H. King;
- H. R. 17296. An act granting an increase of pension to Nathaniel Thayer;
- H. R. 17297. An act granting an increase of pension to Joseph W. Fox;
- H. R. 17305. An act granting a pension to Philander H. Graves;
- H. R. 17303. An act granting an increase of pension to A. W. Huffman;
- H. R. 6745. An act to remove the charge of desertion against Anthony R. Ravenscroft; and
- H. R. 15461. An act for the relief of Daniel F. Lee.
- The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:
- H. R. 15768. An act granting an increase of pension to William J. Jubb;
- H. R. 4154. An act granting an increase of pension to Murray W. Woodward;
- H. R. 16712. An act granting an increase of pension to Josephine Rettig;
- H. R. 16789. An act granting an increase of pension to Elias G. Rutherford;
- H. R. 16427. An act granting an increase of pension to Juliaetta Rowling;
- H. R. 14032. An act granting a pension to Gustav Jansen;
- H. R. 16480. An act granting an increase of pension to Anna C. Bingham;
- H. R. 13660. An act for the relief of Jackson Pryor;
- H. R. 15771. An act granting an increase of pension to Adam Kohlhauff;
- H. R. 14784. An act granting a pension to Johniken L. Mynatt;
- H. R. 3503. An act granting an increase of pension to Edward H. Brady;
- H. R. 7382. An act granting a pension to Jacob Mock;
- H. R. 14477. An act granting an increase of pension to Jason Stevens;
- H. R. 3216. An act to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, and Henry Metzger;
- H. R. 5057. An act granting an increase of pension to Alfred J. Isaac;
- H. R. 11494. An act granting a pension to Nettie A. Buell;
- H. R. 14398. An act granting an increase of pension to David M. Shopstaugh;
- H. R. 13386. An act granting a pension to Wallace Ziegler;
- H. R. 11879. An act to correct the military record of Michael Mullet;
- H. R. 917. An act for the relief of Henry Cook;
- H. R. 11271. An act granting a pension to Louisa Gregg;
- H. R. 14592. An act granting an increase of pension to Benjamin F. Barrett;
- H. R. 2136. An act granting an increase of pension to Lawrence H. Rousseau;
- H. R. 16697. An act granting an increase of pension to Ellen Johnson;
- H. R. 15391. An act granting a pension to Margaret Cotter;
- H. R. 9072. An act granting an increase of pension to George W. Steffey;
- H. R. 8132. An act to remove the record of dishonorable discharge from the military record of John Finn, alias Flynn;
- H. R. 16274. An act granting an increase of pension to Sallie H. Kincaid; and
- H. R. 14195. An act granting an increase of pension to David T. Towles.
- The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:
- S. 7072. An act granting an increase of pension to James A. Hoover;
- S. 7244. An act granting an increase of pension to Mary Lucetta Arnold;
- S. 4198. An act for the relief of Theodore F. Northrop;
- S. 4858. An act granting a pension to Mary E. Haren;
- S. 6540. An act granting an increase of pension to George W. Richardson;
- S. 2252. An act for the relief of Daniel H. Snyder;
- S. 4906. An act to correct the naval record of Alfred Burgess;
- S. 5943. An act to correct the naval record of George Nelson;
- S. 7339. An act to indemnify G. W. Hardy, of Scott County, Mississippi, for homestead land, by granting other lands in lieu thereof; and
- S. 7392. An act to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas.
- The message also announced that the Senate had passed the following resolution:
- Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6339) to confirm certain forest lieu selections made under the act approved June 4, 1897 (30 stat., 38).
- The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:
- H. R. 16990. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.
- The message also announced that the Senate had passed the following resolution:
- Resolved, That the Senate disagrees to the amendment of the House of Representatives to the bill (S. 5718) entitled "An act providing for the sale of sites for manufacturing or industrial plants in the Indian Territory."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2253. An act for the relief of Daniel H. Snyder—to the Committee on Military Affairs.

S. 4858. An act granting a pension to Mary E. Haren—to the Committee on Pensions.

S. 4906. An act to correct the record of Alfred Burgess—to the Committee on Naval Affairs.

S. 5943. An act to correct the naval record of George Nelson Armstrong—to the Committee on Naval Affairs.

S. 6540. An act granting an increase of pension to George W. Richardson—to the Committee on Invalid Pensions.

S. 7072. An act granting an increase of pension to James A. Hoover—to the Committee on Invalid Pensions.

S. 4198. An act for the relief of Theodore F. Northrop—to the Committee on Military Affairs.

S. 7339. An act to indemnify G. W. Hardy, of Scott County, Miss., for homestead land, by granting other lands in lieu thereof—to the Committee on Private Land Claims.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4850. An act to increase the pensions of those who have lost limbs in the military or naval service of the United States.

CONTESTED-ELECTION CASE—WAGONER AGAINST BUTLER.

Mr. OLMSTED. As directed by the Committee on Elections No. 2, and in the exercise of the highest constitutional privilege, I demand the present consideration of the resolutions reported by that committee in the contested-election case of Wagoner v. Butler from the Twelfth district of Missouri.

The SPEAKER. The Clerk will report the resolutions.

Mr. RICHARDSON of Tennessee. I desire to raise now, or after the resolutions are read—whichever the Chair holds to be in order—the question of consideration. I do not want that right to be waived.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That James J. Butler was not elected a Representative in the Fifty-Seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

Resolved, That George C. R. Wagoner was elected a Representative in the Fifty-Seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to raise the question of consideration at this time.

Mr. OLMSTED. On that question I demand the yeas and nays.

The SPEAKER. The question is now. Will the House consider the resolutions just read? The Clerk will call the roll.

The Clerk proceeded to call the roll, but was interrupted by

Mr. RICHARDSON of Tennessee, who said: Mr. Speaker, I rise to a question of order. I respectfully ask that the Clerk answer after the member votes, so that we may know how gentlemen vote. We have a right to hear how the members vote.

Mr. GROSVENOR. There is no such rule.

Mr. PAYNE. There is no rule of that kind.

The SPEAKER. The Clerk will call the roll in the usual way, in accordance with the custom of the House. The Chair, however, hopes that order will be preserved, so that the responses can be heard.

Mr. RICHARDSON of Tennessee. We have a right to hear.

The question was taken; and there were—yeas 149, nays 109, answered "present" 11, not voting 82; as follows:

YEAS—149.

Acheson,	Cannon,	Gaines, W. Va.	Hull,
Adams,	Capron,	Gardner, Mass.	Irwin,
Alexander,	Cassell,	Gardner, Mich.	Jack,
Allen, Me.	Conner,	Gardner, N. J.	Jackson, Md.
Applin,	Coombs,	Gibson,	Jenkins,
Ball, Del.	Cousins,	Gill,	Jones, Wash.
Barney,	Cromer,	Gillet, N. Y.	Joy,
Bartholdt,	Crumpacker,	Gillett, Mass.	Knapp,
Bates,	Currier,	Graff,	Kyle,
Beidler,	Curtis,	Graham,	Lacey,
Bishop,	Cushman,	Greene, Mass.	Landis,
Blackburn,	Dalzell,	Grosvenor,	Lawrence,
Boreing,	Darragh,	Grow,	Lewis, Pa.
Boutell,	Davidson,	Hamilton,	Littauer,
Bowersock,	Dick,	Haskins,	Littlefield,
Brandegge,	Draper,	Haugen,	Long,
Brick,	Driscoll,	Hedge,	Loudenslager,
Brown,	Dwight,	Hemenway,	Lovering,
Brownlow,	Eddy,	Henry, Conn.	McCleary,
Burke, S. Dak.	Emerson,	Hepburn,	Mahon,
Burkett,	Esch,	Hildebrandt,	Marshall,
Burleigh,	Fletcher,	Hitt,	Martin,
Burton,	Foerderer,	Holliday,	Mercer,
Butler, Pa.	Fordney,	Howell,	Miller,
Calderhead,	Fowler,	Hughes,	Minor,

Moody,
Morgan,
Morrell,
Morris,
Mudd,
Needham,
Nevin,
Olmsted,
Overstreet,
Palmer,
Parker,
Patterson, Pa.
Payne,

Pearre,
Perkins,
Powers, Me.,
Powers, Mass.
Reeder,
Reeves,
Shattuck,
Shelden,
Showalter,
Sibley,
Smith, Ill.
Smith, Iowa.
Smith, H. C.

Smith, S. W.
Southard,
Southwick,
Sperry,
Steele,
Stevens, Minn.
Stewart, N. Y.
Storm,
Sulloway,
Tawney,
Taylor, Ohio.
Thomas, Iowa.
Tompkins, Ohio.

Van Voorhis,
Vreeland,
Wanger,
Warner,
Warnock,
Watson,
Weeks,
Woods,
Wright,
Young.

NAYS—109.

Adamson,
Allen, Ky.
Ball, Tex.
Bankhead,
Bartlett,
Bell,
Benton,
Billmeyer,
Bowie,
Breazeale,
Burgess,
Burleson,
Candler,
Clark,
Clayton,
Cochran,
Cooney,
Cooper, Tex.
Cooverd,
Creamer,
Crowley,
Davey, La.
Davis, Fla.
De Armond,
Dinsmore,
Dougherty,
Elliott,

Feely,
Finley,
Fitzgerald,
Flanagan,
Fleming,
Fox,
Gilbert,
Goldfogle,
Gooch,
Gordon,
Hay,
Henry, Tex.
Hooker,
Howard,
Johnson,
Kehoe,
Kern,
Kitchin, Claude
Kitchin, Wm. W.
Kluttz,
Lamb,
Latimer,
Lester,
Lever,
Lewis, Ga.
Lindsay,
Little,
Livingston,

Lloyd,
McAndrews,
McClellan,
McCulloch,
McLain,
McRae,
Mahoney,
Maynard,
Mickey,
Miers, Ind.
Moon,
Neville,
Newlands,
Norton,
Padgett,
Pierce,
Pou,
Randell, Tex.
Ransdell, La.
Rhea,
Richardson, Ala.
Richardson, Tenn.
Rixey,
Robb,
Robertson, La.
Robinson, Ind.
Rucker,
Russell,

Ryan,
Scarborough,
Shackleford,
Shallenberger,
Sheppard,
Shayden,
Smith, Ky.
Snook,
Sparkman,
Stark,
Stephens, Tex.
Sulzer,
Swann,
Tate,
Taylor, Ala.
Thomas, N. C.
Thompson,
Trimble,
Underwood,
Vandiver,
Wiley,
Williams, Ill.
Williams, Miss.
Wilson,
Zenor.

ANSWERED "PRESENT"—11.

Cassingham,
Dayton,
Dovener,

Kahn,
Mann,
Metcalf,

Prince,
Scott,
Sherman,

Sims,
Tirrell.

NOT VOTING—82.

Babcock,
Bellamy,
Belmont,
Bingham,
Blakeney,
Brantley,
Bristow,
Bromwell,
Broussard,
Brundidge,
Bull,
Burk, Pa.
Burnett,
Butler, Mo.
Connell,
Conry,
Cooper, Wis.
Corliss,
Dahle,
Deemer,
Douglas,

Edwards,
Evans,
Flood,
Foss,
Foster, Ill.
Foster, Vt.
Gaines, Tenn.
Glass,
Glenn,
Green, Pa.
Griffith,
Griggs,
Hanbury,
Heatwole,
Henry, Miss.
Hill,
Hopkins,
Jackson, Kans.
Jett,
Jones, Va.
Ketcham,

Kleberg,
Knox,
Lassiter,
Lessler,
Loud,
McCall,
McDermott,
McLachlan,
Maddox,
Meyer, La.
Mondell,
Moss,
Mutchler,
Napfen,
Otjen,
Patterson, Tenn.
Pugsley,
Reid,
Roberts,
Robinson, Nebr.
Ruppert,

Schirm,
Selby,
Shafroth,
Skiles,
Small,
Smith, Wm. Alden
Snodgrass,
Spight,
Stewart, N. J.
Sutherland,
Swanson,
Talbert,
Thayer,
Tompkins, N. Y.
Wachter,
Wadsworth,
Wheeler,
White,
Wooten.

The result of the vote was announced as above recorded.

So the House determined to consider the resolutions.

The following additional pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. SWANSON.

For the day:

Mr. HILL with Mr. PUGSLEY.

For the balance of the day:

Mr. BRISTOW with Mr. BELLAMY.

Mr. CORLISS with Mr. SPIGHT.

Mr. STEWART of New Jersey with Mr. WHITE.

Mr. LESSLER with Mr. TALBERT.

For the vote:

Mr. BINGHAM with Mr. SNODGRASS.

Mr. COOPER of Wisconsin with Mr. BRUNDIDGE.

Mr. DOUGLAS with Mr. FLOOD.

Mr. FOSS with Mr. GLASS.

Mr. FOSTER of Vermont with Mr. JONES of Virginia.

Mr. ROBERTS with Mr. REID.

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. WACHTER with Mr. SMALL.

Mr. SCHIRM with Mr. THAYER.

Mr. WM. ALDEN SMITH with Mr. MADDOX.

The SPEAKER. The gentleman from Pennsylvania is recognized for one hour.

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to offer and have pending a substitute resolution.

The SPEAKER. The gentleman can do that when he has the floor in his own right.

Mr. ROBINSON of Indiana. Then I will ask the gentleman from Pennsylvania [Mr. OLMSTED] to yield for the usual resolution.

Mr. OLMSTED. I have no objection, Mr. Speaker, if it does not come out of my time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That George C. R. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

Resolved, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

Mr. ROBINSON of Indiana. Mr. Speaker, I will ask to have that considered as pending.

The SPEAKER. Does the gentleman yield, so that the request may embrace that?

Mr. OLMSTED. Yes.

The SPEAKER. That will be understood. The gentleman from Pennsylvania is recognized.

Mr. OLMSTED. Mr. Speaker, before commencing the consideration of this matter, I would like to ask if it is possible to agree with the gentleman on the other side as to the amount of time to be consumed in the debate.

Mr. FEELY. Mr. Speaker, considering the issues involved in this case, the minority feels that at least one day should be allotted to it for the consideration of these resolutions.

Mr. DALZELL. Mr. Speaker, they have had three hours now.

Mr. OLMSTED. Mr. Speaker, I am willing to consider this day as devoted to this case, counting the time from 12 o'clock.

Mr. FEELY. Mr. Speaker, the minority must insist, in the light of the record, which shows a printed copy of some 2,300 pages of testimony, that at least one day is little enough for the minority to have in which to present its side of the case.

Mr. OLMSTED. Mr. Speaker, I understand that when a similar case coming up from the same city a few years ago was under consideration in a Democratic Congress, the sitting member, Mr. JOY, was allowed twenty minutes. I will now ask the gentleman from Illinois if he will agree to two hours on a side?

Mr. FEELY. Mr. Speaker, we can not agree to two hours.

Mr. OLMSTED. Then, Mr. Speaker, I will proceed.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. OLMSTED. Mr. Speaker, the highest privilege conferred and the highest duty cast by the Constitution upon the House of Representatives is the privilege and the duty of judging of the qualifications and elections of its members. This is necessary for the integrity of its membership and of its proceedings. It has always seemed to me that a question involving a matter of that kind should be approached in a nonpartisan spirit, with fair minds, and a disposition to do only that which is right toward the contesting parties, toward the Congressional district involved, toward the House, and toward the country.

That is the disposition with which heretofore the committee of which I have now the honor to be chairman, and upon which I have served for six years, has approached the consideration of cases of this kind. Some five or six gentlemen upon the minority side of this Chamber to-day hold their seats there because, although in some instances the case was close and we were morally certain, yet because we did not consider that the legal evidence in the case fairly justified a different result, we have permitted them to continue to hold their seats.

I regret to say that while the minority of this committee have usually approached such questions with the same spirit of fairness, in this case there has been manifest from the beginning a disposition to consider it along party lines and not upon its merits. As long ago as in December, when the memorial was presented—

Mr. FEELY. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FEELY. I do not desire to interrupt any more than to get the facts in the RECORD. The gentleman just stated that there was all along—

Mr. OLMSTED. Mr. Speaker, I yielded only for a question.

Mr. FEELY. I would like to ask the gentleman from Pennsylvania if he can state that there was ever any partisanship exhibited on the part of the minority until it became evident that the majority had prearranged their report, and had decided to present a report antagonistic to the contestee?

Mr. OLMSTED. That is a proper question, and I am very glad to answer it. There was a partisan disposition exhibited upon that side of the Chamber, not only by members of the committee but by every gentleman upon that side, when the memorial was presented in December, a disposition to prevent the taking of testimony and the consideration of this case at all during the present Congress.

Now, when we came to the meeting of the committee, the minority sat with us until the day was fixed for the final disposition of the case by the committee. The ranking member of the minority Monday evening of this week asked me my views, and I told him very frankly that I had concluded, speaking for myself, as to what result ought to be brought about, but could not say

until the committee met what the other members would do. The minority members of the committee absented themselves from the meeting held the next morning to consider the case judicially. Not only that, but one of them, by an attempt to pair with a Republican member, sought to break a quorum.

Mr. BARTLETT. I rise to a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. BARTLETT. I make the point of order, which was sustained yesterday, that it is improper in this House to discuss what occurred in the committee room.

Mr. OLMSTED. Mr. Speaker, there is no doubt about that point of order. The only difficulty is that I have not mentioned anything that occurred in the committee room.

Mr. BARTLETT. I call for the ruling of the Chair.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman from Pennsylvania must proceed in order.

Mr. OLMSTED. "The gentleman from Pennsylvania" has not mentioned any incident that occurred in the committee room and does not propose to. He simply said the minority members were not in the committee room, and that one of them, outside of the committee room, in an attempt to pair with a member of the majority, had sought to break a quorum. That did not occur in the committee room.

Mr. FEELY. I rise to a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. FEELY. My point of order is that the gentleman in his argument is assuming something to have been in the mind of the gentleman to whom he refers, or any other member who attempted to pair.

Mr. OLMSTED. I have not referred to the gentleman from Illinois in any way whatever. Now, Mr. Speaker, when we come to the case in hand, the sitting member here was returned at the regular election in 1900 as elected to a seat in this House from the Twelfth district of Missouri. His seat was contested. The other Committee on Elections (No. 1), in an able report by its chairman, reported that there had been such vast frauds, of such an infinite variety and to such extent, throughout the entire district, that it was impossible to determine who had been elected, if anybody, and therefore declared the seat vacant. A resolution to that effect was adopted by this House on the 28th of June.

The governor of Missouri called a special election, held November 4, 1902, to fill the vacancy, and the gentleman who was then unseated has been again returned. Again his seat is contested, and charges of fraud still more vast in amount and of great variety in character have been made as to 63 precincts in the district, and, in the judgment of the committee, sustained by absolute proof as to 41 precincts.

This Congressional district comprises 116 precincts in the city of St. Louis, and as to 53 of them there is no contest. Both parties agree that there are no such irregularities as would justify a modification of the returns. They are therefore thrown out of the contest, which embraces the remaining 63. The contestant claims that the entire 63 districts ought to be thrown out. The committee has not taken quite that view of the matter, but does throw out 41, for the reason that the frauds permeating the election—the registration and election—in these 41 precincts were so gross, so varied, and so comprehensive and the action of the election officers was such that it is impossible to ascertain the correct and honest vote, if any honest and correct vote was cast in any one of these 41 precincts.

Let me say in the beginning that under the law of Missouri no man can vote unless he is registered. He must appear and register personally under the provisions of what is known as the "Nesbitt law." There is one day in which he may appear personally and be registered in the precinct in which he lives. But all the year round, up to within a short time before the election, registration may be made in the board of election commissioners, of whom there are three, appointed by the governor, in whose hands the entire election machinery of the city of St. Louis is placed under the so-called Nesbitt law. And upon this provision as to registration, which is peculiar to the city, hinges a great deal of this fraud. I shall bring it to your attention.

The law requires that after the register is closed the officers shall sign the official registry sheets so that no more votes can be added. Then they shall be published for the benefit and information of the public. I have here that compilation, containing the sheets published by that official board of elections throughout this entire Congressional district. They have been put together and are certified to. Concerning them one of the election commissioners says this:

Q. I will ask you to examine the book which I now show you, and ask you to state of what that book is made up.

A. This is the complete printed registration of the qualified voters of the Twelfth Congressional district for the election of November 4, and thereafter, 1902.

Q. By whom is it prepared?
 Mr. FROMBERG. Is that the official list?
 A. That is the official list.
 Mr. RICHIE. By whom was it prepared?
 A. This list is prepared in this manner: Under the laws the board of election commissioners are required to publish these sheets. They are all separate; they have been attached here evidently for the convenience of the contestant. We are required to publish these sheets singly.
 Q. That is, a sheet for each voting precinct?
 A. Yes, sir; the verifications being made in the precincts by the judges and clerks; from the verification book prepared by them these sheets were printed.
 Q. Then these sheets in this book I now exhibit to you are composed of one sheet or page for each voting precinct in the Twelfth Congressional district?
 A. According to the old lines.
 Q. That is, the Twelfth Congressional district as the district is made up for the Fifty-seventh (present) Congress of the United States?
 A. Yes, sir.
 Q. Were these sheets printed under the direction of the board of election commissioners?
 A. They were; yes, sir.
 Q. They were published and uttered by the board of election commissioners acting officially?
 A. Published and distributed for the benefit of the citizens, acting officially, by the board of election commissioners.
 Q. In compliance with the law of Missouri made to cover such cases?
 A. Yes, sir. You understand me when I say those are official lists; they are the official published lists.
 Q. Yes.
 A. The only lists that are published by the board of election commissioners.

This is the book which he identifies. These sheets were published on Saturday before the election.

Now, then, there are on these lists 25,179 names. The contestant caused to be addressed to each name and address contained thereon a registered letter. Of these 25,179 registered letters, 12,608 were returned by the letter carriers with the notation under the name of the party on the envelope "Not to be found at the address given." Here is one of the envelopes. There is the box from one precinct, and our committee room is full of boxes from all the other precincts. On this envelope, Ward 23, thirteenth precinct, the letter carrier's annotation is, "Removed; left no address."

Now, it is a peculiar fact that of these 25,179 registered names, 16,045 do not grace the pages of the St. Louis city directory. Of the 12,608 returned, 4,669 indicated that the party had "removed." That was accounted for by the distinguished counsel for the sitting member upon the theory that the inhabitants of these precincts—located along the Mississippi River, in the lowest part of the city of St. Louis, filled with saloons, bawdy houses, gambling houses, mule stables, etc., to which I shall presently refer—were people of nomadic character—to use his own language, "as migratory as fishes." These cards were sent out on the 17th and 18th of December. Within that period 4,000 and over of these migratory people, as migratory as fishes, had removed. Further evidence in this case shows that the school of fishes to which they belong must have been of the variety known as suckers. Of these 4,669 names returned as "removed," 245 only were in the directory.

Now, I want to say right here that objection has been made that these letters were offered in rebuttal. The fact is that the fact of their having been sent out becoming public, the contestee, Mr. Butler, subpoenaed the person who sent them out, called him to the stand, and took his testimony as to the number sent out, etc., and attempted to impugn his character. The contestee himself, having introduced evidence on that point, proving the sending out the letters and attempting to impugn the correctness of the reports thereon, your committee felt that it was entirely proper for the contestant, in rebuttal, to introduce the whole testimony on the subject.

Mr. DE ARMOND. Will the gentleman yield to me?

Mr. OLMSTED. Yes, for a question.

Mr. DE ARMOND. I wish to ask the gentleman whether the introduction of the testimony by the contestee accounted for the fact that the contestant did not introduce in chief the evidence which was proper to be introduced in chief?

Mr. OLMSTED. I would say, in reply to that, that if the sitting member had not introduced any evidence on the subject, then for the contestant to introduce it would have been irregular in rebuttal, and probably should not be permitted or considered under all the circumstances of this case. But I wish to say, further, that the committee does not agree with the contestant that the evidence as to these letters is such that we could throw out upon that evidence any votes in this Congressional district. We conceive that it might be possible that a man whose name did not appear in the city directory might yet have been entitled to vote, even though he had removed after election within a short time. Therefore we gave to that evidence no greater weight than to say that, taken as a whole, it did raise a suspicion as to the integrity of the registration in that district.

We proceed further, Mr. Speaker, and what do we find? Why, under the laws of Missouri they keep what is called a poll book. It is kept at the election. It is not what is called a poll book in Pennsylvania or in some other States. It is made up as the election proceeds. The law is very plain. When a man comes to vote,

his name and address must be written down in that book, his number written opposite his name, and the ballot must bear that number and be put in the box. The poll books have been put in evidence, and we have them printed in this record, so that every name on which a ballot was cast in that district is printed here. The ballot boxes were opened and the ballots themselves or the record of them appear in this evidence. By referring to the registry sheets we see whether he registered, and from the poll book you can see whether a man was voted or not. By referring to the ballots you can see if the box contained a ballot corresponding to the number of his vote. Now, in regard to this registration, we find some astounding things. I shall introduce evidence, and I may as well do it here, to show how that registration was made. I call the attention of the House to the method of registering. The testimony of Mr. Lambert, page 136 of the record, says:

Q. What is your occupation?
 A. Carpenter.
 Q. Were you connected in any way with the election held on the 4th of November, in this city, last?
 A. Yes, sir.
 Q. What capacity?
 A. Judge.
 Q. Republican or Democratic judge?
 A. Republican.
 Q. Where was your polling place?
 A. 1206 St. Charles.
 Q. What precinct and ward is that in this city?
 A. Fourth Ward, seventh precinct.
 Q. Twelfth Congressional district?
 A. Yes, sir.
 Q. Did you examine or pay any attention to the registration in that precinct?
 A. Yes, sir.
 Q. State what you did.
 A. We opened up in the morning and people came in there and commenced to register. We took them in as fast as they came along. Very few came until about 9 o'clock, and then there was about 15 came up in a bunch.
 Q. Did you know any of them?
 A. Not by name; only by sight, that is all.
 Q. Did you know them by sight before that?
 A. I had seen a few of them at the Presidential election, at the time of the canvass for the Presidential election. There was a few of them then there that I remember; one or two of them.
 Q. What did they do?
 A. They came in there and commenced to register. I objected to one man, and they said—the other judges said—that I couldn't object; we had to put their names down. I said "All right, if that is the case, let it go." They commenced to register and kept on registering. They formed a ring around the table, kind of a circus ring, and kept on going.
 Q. The same men?
 A. Same men. A few of them went out, but very few. Most of them stayed in there, and they kept on going around. They registered as fast as they could until—
 Q. Did they register under different names?
 A. Different names.
 Q. Did you see them have anything from which they obtained those names?
 A. I looked out of the door once or twice; they would have a little list in their hands, a little piece of paper, and look at it, and when their list ran out they would go out on the street and get a piece of paper up against the wall and make out another list and come back again.
 Q. Did you take notice of any particular individual who registered more than once?
 A. Yes, sir; there was so many of them I picked one out. I thought I would sort one man out and keep track of him, and by doing so I could get a pretty good idea of what the rest of them done.
 Q. How many times did this man register?
 A. He registered—I got his name three times—he registered 15 times that I know of.
 Q. Do you know any of the names he registered under?
 A. Yes, I have three names; [referring to card] one is McMullen, one is Byrnes, and one is John Cole.
 Q. The other ten or twelve names you didn't get?
 A. No, sir. I got those I could; I tried to keep track, but I had to let them fire away.
 Q. Did you protest and object to his registration?
 A. I objected and protested without getting any answer. They told me I couldn't object.
 Q. Who told you?
 A. Well, the other judges. They claimed I couldn't stop any man from putting his name on the books. I thought so myself, really. They kept putting their names down as fast as they came along.
 Q. Did you canvass or have anything to do with the canvass of the registration?
 A. I didn't have anything to do with it at all.
 Q. Do you know whether one was made?
 A. No, sir; I don't know.
 Q. On the day of election did you notice anything irregular that day in connection with the casting of the vote at that precinct?
 A. Well, after we had opened the polls a little while, about 8 o'clock, somewhere in that neighborhood, a crowd came in, and I recognized several of them that had registered. I saw this very man that I had sorted out that had registered 15 times, and I noticed him. I would watch him; I had the book, the duplicate book. He came up and told me his name. All right. I let him off once. I let him vote once. He never went out of the door, but he came over there to the table and wanted to vote again. I said, "You have no right to that vote," and he said, "That is my brother that voted." He said, "Vote that name or I'll knock your head off." I said, "You can knock my head off, but I object to that vote," and I turned around to my other judge and I said, "Ain't you going to kick, too? Ain't you going to object to this man voting?" He said, "No, I won't," he said, "I ain't going to get my head broke."
 Q. Who was that?
 A. That was Mr. Doering.
 Q. Is he a Republican or a Democratic judge?
 A. Republican.
 Q. Was anything said by the Democratic judges?
 A. The Democrats said, "Oh, shut your mouth; let the man vote."
 Q. How often did he vote?

A. He voted four times and attempted to vote five times, but the name couldn't be found on the books.

Q. Did he give a different name each time?

A. Yes, sir.

Q. Do you remember any particular name he voted?

A. I have them all here [examining card]—Thomas Dowling, Henry Ballard, Charles Peters. He voted by the name of Moore, but the initials I didn't get. William Harvey. They couldn't find that name on the book.

Q. That is the name he attempted to vote?

A. Yes, sir. They couldn't find the name.

Q. Was there any other of the men who voted illegally?

A. Yes; the whole bunch—15 of them there. About 12 or 15 men all the time. They came in and voted just as often as they wanted to—would have been voting yet if it had kept going, I guess.

Now, on the subject of registration, we find a remarkable circumstance. A person would come up, say, from No. 5 North Ninth street, where 30 people were registered from one house, and, singular to relate, they arrived there in exact alphabetical order, except that the W's arrived first, the others letters following in regular order.

Mr. FEELY. Mr. Speaker, I rise to a point of order. I object to the house party going on on the other side. I would like to hear the testimony, and the minority, even if they had no part in the consideration of it in the committee, would like to hear it also.

The SPEAKER pro tempore (Mr. DALZELL). The point is well taken. Gentlemen in the aisles will take their seats and cease conversation.

Mr. OLMSTED. Mr. Speaker, in the fourth precinct 24 men registered from 801 North Sixth street in alphabetical order, 16 from 619 Morgan street, 48 from 823 North Sixth, and so it runs on all the way through.

Mr. FEELY. I would like to ask the gentleman what precinct he refers to?

Mr. OLMSTED. I refer to the Fourth Ward, fourth precinct. The gentleman will find it so in a great many instances all the way through. Let me show how these boards are made up. The governor appoints three election commissioners, who have charge of the whole thing. They appoint four judges and two clerks in each precinct, and they have charge of the registration and conduct the election.

Mr. COCHRAN. Will the gentleman yield to me?

Mr. OLMSTED. For a question.

Mr. COCHRAN. Are not the judges designated in equal numbers by both political committees?

Mr. OLMSTED. The law requires that two shall be designated by the commissioners; but let me show you how it works. I will convince gentlemen of the House that it is no more impossible to cure a case of smallpox with a Red Raven Split than it is for the Republican judge to secure an honest election in these precincts. Take the first witness who has testified. He was a Republican judge and objected; made the unseemly objection that because a man attempted to vote two or three times without the formality of going out of the room and coming back again, it ought to be stopped. [Laughter.] He objected to eight men coming in at one time when there was only room or booths for three. They finally went out. Then a policeman came in and said: "Here, they say you fellows have arms;" and he searched the Republican judges and the clerks. He then went to the door and shouted to the mob: "It's all right; there is not a gun in the crowd." The mob rushed in and beat those two Republican judges and the clerks into such a condition that they had to be taken to the hospital; and they stole the poll book.

Mr. FEELY. Will the gentleman yield for another question?

Mr. OLMSTED. Yes, sir.

Mr. FEELY. I ask the chairman of the committee whether he knows of another single instance of violence in the Twelfth Congressional district of Missouri on that day?

Mr. OLMSTED. I will state one case, in which the police were effective. In one district, where a gang of repeaters was coming to vote repeatedly, and it was known that they were about to do so—and I will say that the order in which the ballots were cast shows that they did so—a photographer was engaged to put his camera in the stable across the way and photograph them. The clerk of the election testified that the camera and the window sash came out together. One man was found in the stable beaten into a condition of insensibility. The police in that case were effective—they arrested the photographer. [Laughter.]

Mr. FEELY. The gentleman forgot to answer my question. I said that the occurrence described happened over a hundred feet away from the polls, and there is not another single instance of violence in the record.

Mr. OLMSTED. Well, there are instances of intimidation and threats of violence all the way through this testimony. When you come to the registration in the so-called Butler mule stables, 110 men were registered as living in one stable. The superintendent testified that they slept there; that sometimes as many as 200 slept there right along. When asked whether they had wives, he said: "You would think they had a dozen wives apiece on pay day;" that sometimes three or four women claimed to be the wife of one man.

We are asked to presume that in that mule stable 110 men—married men—lived apart from their wives and families. That is one of the districts that the minority report complains of our rejecting. They say that our action in doing so was the crowning outrage and infamy of our report.

Now, let me state a little circumstance about that. While the law requires the addresses of the voters to be entered on the poll book, they entered in that precinct just 1 address out of 435. As to 434 you may simply guess where they live. The evidence shows that they made up their poll book two days after the election. Now, when they came to open the ballot boxes there what did they find? Four hundred and thirty-five persons voting, addresses not given; 440 ballots in the box. The following numbers are twice in the box, and counted for Butler: 37, 112, 129, 147, and 15 others. Ballot No. 6 was voted three times for Mr. Butler. Forty-six numbers appear upon the poll book opposite the names of men who are said to have voted, but those 46 ballots are missing from the box entirely. Including all the duplications, there were in the box 347 ballots bearing the name of Mr. Butler; the return judges generously gave him 363. There were found 73 ballots with Wagoner's name on them, and they gave him 69. This is the ward which they say we erred in throwing out.

Now, a word as showing the effect of Republican efforts in preventing false registration. It is shown that in one saloon there were registered 81 men as living there. A Republican canvasser testified that he went there six times without being able to get in; that finally he caught in the hallway the lady who "run the house," and she, being asked, could remember only three men who lived in the house. He reported these facts to the board of election commissioners appointed by the governor. The Republicans made some fuss about it. The commissioners said, "Oh, well, this has got to be signed." They said, "We will compromise with you; we will call it 40." So they called it 40, most of whom voted, and voted for Mr. Butler; and one man voted on seven of those names.

Mr. FEELY. Will the gentleman allow me a moment?

Mr. OLMSTED. Yes, sir.

Mr. FEELY. I am endeavoring to the best of my ability to hear everything that the distinguished chairman of the committee has to say. It is impossible for me to hear all he says; but if he has said anything concerning any other precinct—

Mr. OLMSTED. I yielded for a question, not for a speech.

Mr. FEELY. I am not making a speech. If the gentleman has said anything concerning any precinct which the minority of the committee were not willing to exclude from the polls, I have not heard it; and I have been listening as closely as possible.

Mr. OLMSTED. I have been discussing the thirteenth precinct of the Twenty-third Ward, which the minority say it was a crowning outrage for us to reject. That it their pet ward—the worst case in the box; I have shown the House the facts. If any gentleman thinks that on this testimony that vote ought to have been counted, he has a very different view of the matter from my own.

Now, I do not think it necessary to consume the time of the House further. I might take up, in addition to this general testimony, the names of people who were called and testified that they did not know and never heard of the people who registered from their houses and voted from their houses. Here is one, Annie Harms, in that very precinct.

Mr. GILBERT. Mr. Speaker, what does the gentleman say to this general proposition: After having thrown out fraudulent votes on both sides, what is the outcome?

Mr. OLMSTED. Why, we threw out these 41 precincts in which no living man can tell what the honest vote was, or whether there was any honest vote, and it leaves Mr. WAGONER 767 majority. That is the result. The same character of testimony runs all through the record. I will call attention to one further case. It is on page 532 of the record. We find 10 men voting from one house all in a bunch, 6 voting from the next house, 4 from another, 8 from another, all coming at one time and voting in the eighth precinct of the Sixth Ward. Six men appear to have voted from No. 1441 Chouteau avenue, 6 from 1018 Papin avenue, and those six men voted in that precinct four times.

Mr. GILBERT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. OLMSTED. Yes.

Mr. GILBERT. Is the proof of fraudulent votes confined to the six or eight men in that precinct?

Mr. OLMSTED. Oh, no; as the gentleman will find if he will read the report.

Mr. GILBERT. I have not time to read the report. I am asking for information.

Mr. OLMSTED. No; it is not confined to the six or eight men, but it runs all through these 41 precincts.

Mr. GILBERT. And, for example, in any precinct where the proof shows that so many fraudulent votes were polled and no

proof at all as to the residue of the votes, then do you throw out the whole precinct?

Mr. OLMSTED. Why, the evidence shows such manifest fraud and irregularity on the part of the registration board, on the part of the election boards, and of the election officers, frauds in making up the returns in stuffing the ballot boxes and in robbing them, that it is impossible to tell what is fraudulent and what is not. Therefore we throw out all in pursuance of the well-established rule, which obtains in courts, in Congress, and in State legislatures.

Mr. RUCKER. Mr. Speaker, I understood the gentleman to say that these same offenses, intimidations, etc., permeated that whole district there. I will ask the gentleman if he has read the 2,500 pages of this testimony taken in this case?

Mr. OLMSTED. No; I have not read the 2,500 pages.

Mr. RUCKER. I will ask the gentleman if any member of his committee has read it?

Mr. OLMSTED. I understand that the gentleman from Kansas [Mr. MILLER] has read every page of it.

Mr. RUCKER. When was it filed before the gentleman's committee?

Mr. OLMSTED. As soon as it came up it was sent up in proof—in sections.

Mr. RUCKER. I hope the gentleman will not take any exception to what I am going to ask him—

Mr. OLMSTED. Not at all.

Mr. RUCKER. I want to get at the truth.

Mr. OLMSTED. Certainly.

Mr. RUCKER. I want to ask the gentleman if it is not true that a forecast of the action of this committee appeared in the St. Louis papers two days before the gentlemen of the committee had this case submitted to them?

Mr. OLMSTED. Well, Mr. Speaker, I am not responsible for the publication of any paper in St. Louis. I do not read them. I do say, however, that if any forecast appeared it was false, and I will state that the only St. Louis paper I have seen was a Democratic paper forecasting that somebody else was to draw the report and when it was to be made. I want to say to the gentleman that the committee never made up its mind in this case, and I do not believe any member ever expressed an opinion to anybody until after twelve hours of argument had been heard by able counsel who referred to and read all the testimony that seemed essential, and, so far as I am concerned, I did not form my judgment until after I had spent, I am sorry to say, on last Sunday, sixteen hours going over the poll books, returns, and ballot-box records, and no living man knew until I had done that how I was going to vote. I never expressed an opinion as to my conclusion until I expressed it to the gentleman from Indiana, the ranking minority member of the committee, on Monday night before we met to decide upon our report.

Mr. RUCKER. Does not the gentleman know it was published in the St. Louis Globe-Democrat last week how the committee would report?

Mr. OLMSTED. I do not know what is published in the St. Louis Globe-Democrat, and if it was published there it was a false statement.

Mr. RUCKER. And does not the gentleman know that that statement was given to the paper by the attorney for the contestant in this case?

Mr. OLMSTED. I do not know it, and, Mr. Speaker, I do not care. I decline to have my time taken up by such questions.

Mr. RUCKER. Well, I intend to ask the gentleman questions and he may refuse them if he sees proper.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. RUCKER. Will the gentleman permit another question?

Mr. OLMSTED. Well, ask it.

Mr. RUCKER. Well, I am going to.

Mr. OLMSTED. Do it promptly or I shall decline to yield.

Mr. RUCKER. Well, I will ask it.

Mr. OLMSTED. Very well.

Mr. RUCKER. I understand the gentleman to say that the only member of his committee who has read this testimony is the gentleman from Kansas.

Mr. OLMSTED. I said nothing of the kind. I have read every page of it that was essential, every page the attorney for the sitting member thought it was necessary to refer to in the argument of counsel, and everything that is necessary to the determination of the case. I read the 2,300 pages of testimony with great care except such portions as related to Mr. Wagoner's nomination, that point having been expressly waived by Mr. Butler's counsel in his argument before our committee.

Mr. RUCKER. I will ask the gentleman—

Mr. OLMSTED. And if the gentleman or anybody on that side can refer to anything in contravention of the statements I have read to him I challenge him to do it. [Applause on the Republican side.]

Mr. RUCKER. I will ask the gentleman if his committee did

not give the contestee in this case until 8 o'clock Saturday night to file references and citations?

Mr. OLMSTED. They gave him all the time he wanted, and asked him to file them as promptly as possible if he wanted them to be considered in his case. He never did file them and never intended to file them.

Mr. RUCKER. Did you not announce your determination of this case before the time you had given him had expired?

Mr. OLMSTED. I decline to yield further to that sort of interrogation.

Mr. RUCKER. I should like the gentleman to answer that one question.

The SPEAKER pro tempore. The gentleman declines to yield. The gentleman from Missouri is out of order.

Mr. RUCKER. I should like the gentleman to answer that question.

Mr. GILBERT rose.

Mr. OLMSTED. I will yield to the gentleman in front of me.

Mr. RUCKER. All right.

Mr. GILBERT. I want to know whether or not there was any proof taken by your committee upon the general proposition as to how that district would have gone in the event that an honest and fair election was held?

Mr. OLMSTED. Why, Mr. Speaker, we did not take testimony before our committee. We took the testimony as it was produced.

Mr. GILBERT. But is there any testimony of that sort?

Mr. OLMSTED. I can only say that in 1898, before the Nesbitt law was passed, it went Republican by about 2,300, but since that time it has been returned the other way.

Mr. COWHERD. It has been redistricted.

Mr. OLMSTED. I do not say that has any bearing upon it, but it is a pertinent answer to the gentleman's question.

Mr. VANDIVER. In what other campaign did it ever go Republican?

Mr. OLMSTED. The immediately preceding campaign, if the gentleman wishes to know.

Mr. VANDIVER. What other campaign besides that?

Mr. OLMSTED. Now, Mr. Speaker, I should like to know how much time I have remaining.

Mr. VANDIVER. What further campaign besides that?

Mr. OLMSTED. In 1902 it went Republican.

Mr. VANDIVER. No, sir; it did not.

Mr. OLMSTED. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has eighteen minutes remaining.

Mr. OLMSTED. Mr. Speaker, I simply want to say, without detaining the House longer at this time, that in my judgment—

Mr. ROBB. I should like to ask the gentleman a question.

Mr. OLMSTED. In fairness to the honest voters of St. Louis in this Congressional district—

Mr. ROBB. I should like to ask the gentleman a question.

Mr. OLMSTED. I decline to yield.

The SPEAKER pro tempore. The gentleman has declined to yield.

Mr. OLMSTED. In fairness to the honest voters in this Congressional district, in fairness to this candidate who has made this manly fight—

Mr. FEELY. Mr. Speaker—

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. FEELY. The gentleman must yield to a point of order, and that is that we can not hear what he is saying. I know that is not his fault.

The SPEAKER pro tempore. The point is well taken. The House will please come to order.

Mr. OLMSTED. Mr. Speaker, I wish merely to say that we have given this matter the most assiduous and conscientious care and study possible, and that it is my deliberate judgment that the only way to do justice to the honest voters of the Twelfth Missouri district, the only way to do justice to this contestant who has made this manly fight against such corrupt odds, and the only way for this House to sustain its own dignity and the integrity of its membership, is again to unseat this sitting member, who is not entitled to the seat, and to place in it the man whom the honestly declared votes of that district, so far as they can possibly be ascertained, show to be entitled to a seat in this body. [Applause.]

Mr. RUCKER. Mr. Speaker, may I ask the gentleman one question?

The SPEAKER pro tempore. The gentleman reserves the balance of his time. The gentleman from Illinois [Mr. FEELY] is recognized.

Mr. PADGETT. Will the gentleman yield to a question before taking his seat?

Mr. OLMSTED. The Chair understands that I reserve the balance of my time?

The SPEAKER pro tempore. The Chair understands.

Mr. PADGETT. Will the gentleman yield to one question?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FEELY] is recognized.

Mr. FEELY. Mr. Speaker, before proceeding to offer any suggestions upon this resolution, I desire to ask the gentleman from Pennsylvania what disposition he will make as to time? We of the minority recognize that the gentleman controls the matter.

Mr. OLMSTED. If the inquiry does not come out of my time, I will say that I endeavored to make an arrangement at the outset as to the time, and failing in that, the gentleman will have to follow his judgment.

Mr. FEELY. Mr. Speaker, the reply of the gentleman from Pennsylvania is nothing more nor less than I had expected. It is an exhibition of the partisanship shown by the gentleman from Pennsylvania, who, looking at the mote in the eye of his neighbor, can not see the beam in his own. When he says that partisanship has been exhibited by the minority in this case since last December, I hurl back to him in defiance the charge that the minority of this House attempted to prevent the consideration of this contest during the present session of Congress. On the contrary, we find that as soon as the memorial of Wagoner was presented to this House, we presented to this House, and you voted down by a partisan vote, a resolution to constitute a committee of investigation to go out to the city of St. Louis and take the testimony according to the rules of law and judicial practice, and not delegate harum-scarum, flotsam and jetsam notaries public to take all manner of irrelevant testimony and pound it into a record of 2,300 pages, and submit it for our consideration two days before action is taken.

It is all very well for the gentleman from Pennsylvania to say that this testimony has been arriving week by week by sections, and the members of his committee are too fair, notwithstanding the partisanship that has characterized them in this contest, to assert that this evidence was ever presented to any member of this House in a readable shape until last Monday morning. True it is that some testimony came here a week ago last Monday and two weeks ago last Monday—piecemeal it came. It came in undertakers' boxes; it came in every kind of consignment in which it could come.

The committee was called together; counsel were brought in. They were compelled to make their arguments before this committee absolutely without an opportunity of investigating the evidence in this case. They were given but two hours to wander aimlessly through this record, without page, some of it, and without an index to facilitate the finding out of the facts. Mornings and sometimes evenings this committee sat listening to the arguments, besides the duty which a member owes to his constituents to be on the floor of the House from 12 o'clock in the day until 5 o'clock, the hour of adjournment. They had to sit floundering about endeavoring to read some testimony to find the relevancy of any. The argument was concluded.

Members of the committee suggested, "What about a brief?" The ordinary, generally recognized, precedent practice of this House is that a brief of the evidence should be submitted for the consideration of the committee. Ah, no! "The House is about to adjourn." "The Fifty-seventh Congress is about to die." "There is no time to submit briefs, with the application of the law and evidence in this case." "I must get a day in the House," was the cry. A day in the House for the consideration of this report, even before the counsel had concluded the argument in this case. On the day—several days, as I remember it now—before the argument was concluded the gentleman from Illinois and other members of that committee requested the chairman to—

Mr. OLMSTED. Mr. Speaker, I make the point of order which was made against me.

The SPEAKER pro tempore. The gentleman will proceed in order.

Mr. FEELY. The gentleman from Illinois requested that evidence should be submitted, and specifications containing the page and the names of the witnesses in the record upon which they believed that certain precincts should be thrown out. That promise was made.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. FEELY. Certainly.

Mr. OLMSTED. Of course, this statement is not exactly in order, but it does not matter. Is it not a fact that that request was made before the testimony was indexed, but immediately, the next morning, the whole testimony came up indexed and paged?

Mr. FEELY. It afterwards came. I will say further without reflecting upon the gentleman from Illinois in making reference to what took place in the committee, all these meetings were open, and representatives of the press present, and I do not conceive myself in any way to have violated the rules in regard to stating what transpired in committee.

The SPEAKER pro tempore. Will the gentleman yield to a question of the gentleman from Tennessee?

Mr. FEELY. Certainly.

Mr. PADGETT. I notice that the majority have thrown out 41 precincts, which had given over 7,000 votes for Butler. Was there not a single honest vote in that entire number cast?

Mr. FEELY. Well, Mr. Speaker, I will say that I had never before conceived the idea that the gentleman from Tennessee was a humorist, and as I believe in asking me that question he does not ask for the purpose of enlightening the House, he must take a humorous view, because I assume he has read the report as it appeared in the RECORD, and knows, as every other member knows who read that report, that they could have easily distinguished the wheat and the chaff in this case—the legal votes that were cast for Wagoner and the legal votes which were cast for Butler—and they could have been rejected—the illegal votes cast for each—and a fair result obtained in determining the controversy in this case.

Mr. PADGETT. That is the point I wanted to emphasize, the very iniquity that I wanted to call attention to here, that they have thrown out the whole of these precincts, and say that there is not a single honest vote cast in the whole of them.

Mr. FEELY. Now, Mr. Speaker, so much for the manner in which this committee managed the consideration of this case. I wish to say that there is evidence in the record warranting fairly the statement that this Congressional district has never been carried by a Republican, with but three exceptions, for the last twenty years.

Mr. Speaker, the chairman of that committee, with that nonchalance that makes him distinguished in the House if his great ability does not, stated that this district was carried by the Republicans in 1896 and in 1898. Why, Mr. Speaker, there were, I may say, hundreds of districts that were carried in 1896 and 1898 for the Republican party, and yet not carried by them since that time at either election. Yes; the district was carried in 1896. The Democratic party was proportionately disunited in the Twelfth district of Missouri, as it was throughout the nation.

Colonel Pierce was elected in 1896. He was elected in 1898, and after a service of four years, which I understand distinguished him in this House, he is retired by a Republican machine, and a satrap of no particular ability or entity placed in his stead, and the Republican party asked to support him. They did not support him. There was a contest—and I am not going to criticize the decision of Election Committee No. 1 in the first session of this Congress—there was a contest, and the committee said, in making their report, that fraud was so general in this district on the part of the Democratic managers and on the part of the Republican managers that the truth was not ascertainable therefrom; that it could not be determined who was elected to represent the people of this district in this House, and that they would declare that no valid election had been held, and sent it back to the people for another verdict.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. FEELY. I am always delighted to oblige the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman has stated that the district has never been carried by the Republicans except in 1896 and 1898.

Mr. FEELY. With one exception, in twenty years.

Mr. BARTHOLDT. I desire to state that in the Fifty-first Congress, substantially the same district was represented by a Republican, by Nathan Frank.

Mr. FEELY. That is the one exception. Now, Mr. Speaker, I was coming to that place in the history of this case where this House, on the 28th of last June, adopted by a partisan majority, a partisan vote, the report of the Committee on Elections No. 1, declaring a vacancy to exist in that district. The contestee, Mr. Butler, went home to his people in Missouri and was unanimously nominated by the Democratic party of that district for the short term to fill the vacancy caused by his unseating, and as well for a seat in the Fifty-eighth Congress, which may convene after March 4. Then, gentlemen, a struggle ensued for the Republican nomination of this Congressional district.

Two factions contested for the Republican nomination in this district in St. Louis. A man by the name of Reynolds was nominated to represent it for the long term and for the short term. A man by the name of Laffhagen was nominated for the long term and a man by the name of Wagoner, who comes here to-day asking for a seat in this Congress, who had circulated a petition broadcast to be placed upon the ballot, came into the convention which nominated Laffhagen, which represented a faction of the Republican party, and secured what was known as an indorsement, not a nomination, to go on the Republican ticket. Tumult ensued, lawsuits were started, and one great man in the State of Missouri absolutely disemboweled the Republican party in St. Louis, kicked out its central committee, or 20 out of 28 of them, and set up a new committee.

All these questions were in litigation. It was determined, after wrangling and crossing, that Mr. Reynolds was the regular nominee for the long term in the Fifty-eighth Congress, and it is determined, although not legally, however with no objection from the contestee, who was advised of his rights, to place on the Republican ticket for the short term this gentleman, Wagoner, who did not secure the nomination. I will not say to this House that because Mr. Wagoner came into the Republican party by the back door that he was not entitled to be voted for, but I am submitting to them that in their great doubt as to how James J. Butler received 7,000 majority in that district that they take into consideration the fact that he had a man opposed to him who could not, and did not, receive the Republican nomination.

So much for the strength and vote-getting ability of the man whom the majority of this committee says the Republican party selected. But, Mr. Speaker, another view presents itself. The committee in its report criticises the whole territory of 63 precincts which are contested by the contestant in language that ought not to be dignified by inclosure in any official document. Down in any section of any city one would not hear in a campaign for constable, or for member of the lower council of the city, the billingsgate which in the majority report is hurled against the people of the 63 precincts that gave Butler a majority.

Mr. Speaker, I can account for that. There is no opportunity in this case to be completely, wholly, and absolutely consistent with the report of the Elections Committee No. 1. The committee that presented this report would fail in this—that there is no Butler to denounce in the record of this contest. Two thousand three hundred pages of this testimony with not a word about "Butler's Indians" in this contest; not a word about "pernicious activity" of Butler or anyone connected with him in this contest; not a word in the testimony taken before the dignified notaries public; not a word in the argument of counsel.

There is no word of complaint in the words of contestant's counsel that the majority could see fit to dignify by noticing it against the police of the city of St. Louis. The only word spoken against the police was the statement in the argument of counsel, printed with the rest of the report, that the chief of police of the city had issued a general order transferring the police from their regular beats to distant parts of the city. In this respect the counsel for the contestant showed how new, how unsophisticated, how unacquainted he is with the practice prevailing in every city of any decent size beyond that of a hamlet, by showing surprise at the sending of the police to different parts of the city from that which they had been in the habit of traveling on their beat.

If that view of counsel is correct, then the present President of the United States must be criticised for his conduct when he was police commissioner of the city of New York, because, as I recollect, at that time there was such an order. The chiefs of police in the cities of Chicago and Philadelphia and Louisville and every other city that is worthy to be called such adopt the same measures to secure fair elections. The purpose is to divest the election of any want of dignity that might be the result of too much familiarity. I say that no criticism of the police or Butler was possible. So, in order to place advantage in the place of invective and to build a wall against the helpless minority of this House in their demand for a fair consideration, a paragraph of the report is given over to ruthless abuse of the character of the residents of the 63 precincts that Mr. Butler carried.

What a significant fact it is that all the 63 precincts that are questioned as being fraudulent in this case are the precincts that were carried by the Democratic candidate for Congress, and not only by him, but by the remainder of the Democratic ticket.

One more example of the necessity for being audacious when claiming all the morality that is extant in the world. This majority, with a brazenness that I thought it was incapable of, states to the people of the country and the members of this House that the Democratic portion, the majority portion, of the Twelfth Congressional district of Missouri is rotten to the core, and the 53 precincts, or thereabout, that Mr. Wagoner carried are pure and irreproachable from a moral standpoint.

What evidence do they bring you? The chairman of the committee stood up here, knowing that it was impossible for anybody to read the record, and criticised three precincts, as to two of which the minority of the committee in presenting their views, agreed to reject the poll—agreed to throw it out. One was known as the "Snake" Kenney precinct. I am familiar with that, because it was mentioned in the first hundred pages or so, and the opportunity was presented to read the testimony in regard to it. In that precinct "Snake" Kenney, the great mogul, the boss of the precinct, was a candidate for constable. I do not know on what ticket. I know that he was a candidate for constable; that the interest of the Democratic or the Republican party were as naught in his eye. Every man in the House knows that when candidates for constable and their ambitions run afoul of the ambitions of honorable gentlemen in this House, there is one time

and place where the minion of the law is no respecter of persons. "Snake" Kenney had to be elected. He came down to the polling place with his three or four men, and a fight was started. The polling books were taken away. That is the truth, so far as it is evidenced by the testimony of the man who, I believe, in parts of the record is characterized by many witnesses as unworthy of belief. But we of the minority took it as a fact, because the contestee, so far as we could learn in the record, had presented no testimony which reliably denied it.

We say that we do not want a dirty poll. Members of the minority, as soon as they read that testimony, agreed that it ought to go out of the record. Members of the majority will bear them out in that statement. The other precinct referred to was a precinct where one William Lee, who held the dignified and honorable position of an officer in the West End Colored Democratic Jefferson Club, was, according to the testimony, seen on registration day with something in his hand that looked like slips. The testimony is that he had around him a swarm of Senegambians, and the inevitable conclusion must have been that William Lee was out to "play horse" with the registration book. That is all the evidence, practically all; and the minority agreed to exclude that precinct from the polls.

Now, the other precinct referred to by the chairman of this committee was an important precinct—the precinct containing the Butler stables. It is necessary, in order to stir up sentiment in the House, to distribute pictures of the Butler stables.

Mr. GILBERT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FEELY. In a moment. You know, Mr. Speaker, if we did not have pictures of the Butler stables in the record as evidence, there are no people in Missouri, no witnesses, however prolific in their production of evidence, who could adequately describe the kind of a stable owned by the Excelsior Hauling Company, so we must have a picture distributed. Now I will yield to the gentleman from Kentucky.

Mr. ROBINSON of Indiana. Mr. Speaker, I rise to a point of order, that the House is not in order. Before the gentleman yields I will ask the gentleman from Illinois [Mr. FEELY] to yield to me long enough to ask the gentleman from Pennsylvania [Mr. OLMSTED] if he is going to move the previous question after this hour and his own is consumed? The purpose of asking that is that we must arrange some plan for the further argument and use of the hour.

Mr. OLMSTED. Mr. Speaker, I endeavored to the best of my ability to obtain an agreement with the gentleman on the other side as to the amount of time to be consumed by each side. My overtures in that direction have not been met with any other than that spirit which has prevailed all day in opposition to the consideration of this question. That time might just as well have been consumed in the deliberation and discussion of this case, but has been consumed in roll calls. I can now only say that the gentlemen will have to follow their own inclinations and judgment in the matter of consuming their time.

Mr. ROBINSON of Indiana. Then, I assume that that is a statement that the majority, under the leadership of the gentleman from Pennsylvania, will sweep the gentleman who now has the floor from it, without a fair discussion of the case, and will yield no further consideration than the hour he has and which the gentleman from Illinois is now using.

Mr. OLMSTED. Mr. Speaker, the gentleman can assume what he pleases. I am unable to see how it will be possible for us to take the gentleman off the floor. There has been no attempt of that kind. He might have occupied the floor for two or three hours, instead of having that time consumed by roll calls.

Mr. ROBINSON of Indiana. I am not giving that suggestion. I only want to see whether the gentleman is going to confine this debate, in the power which he has, to the two hours.

Mr. OLMSTED. Mr. Speaker, I will exercise the power which I have when the time comes in such a way as suits my judgment.

Mr. ROBINSON of Indiana. That is perfectly consistent with the gentleman's attitude, I will say to the gentleman from Pennsylvania.

Mr. GILBERT. Mr. Speaker, I know the gentleman's time is limited, but I want to ask a question. How would the vote in the district stand if you excluded all of the votes that the Republican side of the Chamber claimed to have been fraudulently cast, giving them credit for the votes that were fraudulently cast and counting the honest vote in every precinct? What would the result be in such case?

Mr. FEELY. In answer to the gentleman from Kentucky, I can not do anything more than refer him to the gentleman from Pennsylvania who had presented to him the two theories, both of which he rejected and selected a third one of his own concoction.

Mr. OLMSTED. Mr. Speaker, I did not hear the question, but

if an answer is desired from me and it will do any good it will afford me pleasure to do the best I can.

Mr. FEELY. Mr. Speaker, I decline to have my time used by the other side.

Mr. OLMSTED. It is not my suggestion. It came from the other side. The gentleman referred to me.

Mr. RUCKER. The gentleman from Pennsylvania took the floor without permission.

Mr. MANN. And what is the gentleman from Missouri doing?

Mr. FEELY. Mr. Speaker, much has been said of the Butler stables registration. I desire to read some testimony from the record—testimony which is not contradicted, testimony which is not shaken by cross-examination. John R. McCarthy, the superintendent of the Excelsior Hauling Company, which concern owned and operated those stables, was put upon the stand, and in answer to certain questions gave the following testimony:

Q. I will ask you, Mr. McCarthy, to state what that stable is used for?
A. Well, the lower floor is used for nothing but stalls—stall room. The upper floor—why, one corner we use for a little feed. We get our feed in there just as we use it. The rest of it—why, the men sleep there.

Q. How many men are employed by the Excelsior Hauling and Transfer Company?

A. We employ all the way from two close up to four hundred men. That all depends on the season of the year.

Q. How many men do you employ in the summer time?

A. In the summer time it all depends on the crop of vegetables. If we have a plentiful crop, we have close to 400 men.

Mr. Speaker, this Excelsior Hauling Company is a large concern and has the contract for hauling all the garbage of the city of St. Louis.

Now, Mr. Speaker, I submit that if anyone will read this testimony which I now have not the time to read, it will amply bear out the statement that every man registered from the Butler stables would, in the reasonable logical nature of events, have been a resident of those stables.

I know that evening suits are not indigenous to residential stables. In those stables live the nomads of the world, the hobo, if you please; the tramp, if you please. But as long as he complies with the law of the State of Missouri as to residence in the State, after he has become a citizen of the United States, he has the right, if he complies with the law as to county, city, and precinct registration, to vote for a member of Congress, even if he lives in such a place as the Butler stables. I in my short life have known communities from which Republican majorities were extracted where they were not provided such palatial homes for the electors as the Butler stables. Pass the picture around, look at it, and determine for yourselves if it is not possible for 100 or 200 men to make their homes in that stable.

Now, I am going to pay just a little attention to a scheme relied upon by the majority as the quid pro quo for this contest. That scheme comprehended the mailing of some 25,179 registered letters to people whose names appeared on certain informative sheets that were spread broadcast among the voters of the district. Those 25,000 letters, as I say, were mailed, and 12,000 of them came back with a definite indorsement—so says the uncross-examined witness of the majority, so says the witness of the majority presented on the last day, when no opportunity was allowed to combat his testimony by rebuttal or rejoining testimony—12,000 of those letters came back with a definite indorsement to the effect that the members did not live there. That is his language. Of those 12,000, 3,000 odd voted in the election.

Now, this contestant asks the rejection of those votes because the names of 2,200, I believe, of them did not appear in the city directory—a city directory canvassed for a year previous—and because they were not reached by a registered letter which had on its face a demand upon the part of the sender, "If addressee is not at this address, return at once." In other words, with an eye single to declaring that the man did not reside in the house, the framers of this scheme said, "We will show the committee that he did not live there in December and January of 1901 and 1902, by the directory; we will show the committee that the voter did not live there in December, 1902, by the evidence of a registered letter." Now, the House and the country can form their own opinion as to the value of such evidence. I am not going to take the time properly to characterize it here. I suppose from the great stress that the majority have laid upon this they hope that somebody will take this up and discuss it.

Now, Mr. Speaker, it is charged by the contestant that there are some two or three thousand, I have forgotten the number now, of the names on the poll book, the book used as an official record of the number of men who vote, containing their names—it is charged that there are some 3,000 men who voted whose names are not upon these sheets. These sheets are entitled "List of registered voters, Fourth Ward, second precinct." These sheets are required by law to be distributed by the board of election commissioners of the city of St. Louis previous to the election. They are expected to contain the names of the men entitled to vote.

Now, they are not official in the sense that the law of the State of Missouri which provided for their printing ever intended that they should be used as evidence in a court or in an election contest. They are simply fugitive, informative sheets, gotten up for general advice as to the registration. Do not let anyone say fraud because there are names that are on the official register that are not on these sheets. They are not, Mr. Speaker, even copies of copies. I will state how they are prepared. They are prepared by the judges and clerks from verification lists, which are made by taking certain streets in the precinct and checking the names of voters in the order of the lowest to the highest numerical order of the street address.

It is easy to believe and easy to conceive how these judges and clerks, inexperienced men that they were, selected to perform a duty for a day, can make mistakes in writing up this register. Now, gentlemen, with the opportunity to produce these records, or if not to produce them to produce certified copies of the original registers, with the opportunity to produce examined copies or some evidence of the actual registration which would be accepted in any justice of the peace court in the country, and not these, the contestant allowed his fifteen days in chief and his five days in rebuttal, out of which he took such great advantage in getting into the record what was called the Owens scheme of legislating a man out of a seat in Congress by a registered letter and a city directory.

I know that the chairman, or whoever will close this debate, if they think it necessary to close it, will not be able to show that the contestee, if he did, was perfectly justified in rejecting this whole idea, and if he was not justified, he could never have seen the materiality of this list as testimony or evidence, without what was called this Owens scheme of tabulation of votes introduced the last day of the contest.

The chairman says, "How can we account for the fact that there were less ballots in the boxes than were counted in the recount before the notary public?" In every State, I take it, there is a provision in the election law providing that where ballots are destroyed, where ballots are defective, where the intention of the voter to register his opinion is aborted, these defective ballots shall be placed in envelopes provided for the purpose and returned to the election board. Not in this whole record is there one scintilla of evidence that the contestant attempted to open one of these envelopes containing defective ballots, which would have explained away the discrepancy in most of these cases.

Now, Mr. Speaker, I recognize, if I never recognized it before, the feeling of the strait-jacket. I have not had an opportunity to read this testimony in the manner in which testimony ought to be read when a member of this House is going to discharge his duty as a member of an elections committee and to give to a contest that judicial determination to which it is entitled in the light of the law and precedents. I have not had that opportunity. I make the statement boldly, and I doubt whether there is any member of this committee besides the chairman who will stand up and say to this House that he has had an opportunity to give this case that time and that judicial attention which he should have given it.

Mr. CURRIER. The gentleman says he had not time to read the testimony in this case. Does he think it necessary for the proper consideration of this case that the testimony of 400 witnesses called by Mr. Butler in regard to the nomination of Mr. Wagoner, which Mr. Butler's counsel said had nothing to do with this case, should be read, making hundreds and hundreds of pages of this record?

Mr. FEELY. Ah, Mr. Speaker, I am not going to yield to the gentleman to make a speech. I like the strait-jacket; it makes a man go ahead; it makes a man partisan.

Mr. Speaker, concluding, let me say that I believe that there never was a worse example of partisanship rampant than is here exhibited in the endeavor to railroad a man out of the seat to which he was honestly elected. Talk about a sufficiency of fraud which, Mr. Speaker, involved the poll in all these precincts. I hope the chairman will not say—what am I saying—he ought to, he must say it, that he can not separate the wheat from the chaff, although he has in the committee room the record of every vote cast in these 63 precincts, with a tabulation as to how they voted and whom they voted for and whether the ballot is believed to be regular or not by the contestant.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. FEELY. I yield, if it is a question.

Mr. OLMSTED. I would ask if he recollects the fact that in every one of these boxes in the 41 precincts votes were missing, running from 5 in the lowest up to 140?

Mr. FEELY. I have answered that. They never opened the defective-ballot envelopes.

In concluding, allow me to say if this majority of the committee desires to bring in a report of this sort, without argument and without brief on the law, without an opportunity to consider the

testimony, just the same as I conceive it to be my duty in trying a case, whereas in this case the counsel was asked that material testimony be pointed out to members of the committee, which was not done, why of course they can do so.

Mr. Speaker, let this majority go ahead, let a partisan judgment be entered here to-day, and leave it for the country to judge whether a man, no matter whether he may come from what is called by some, even if they emanate from Pennsylvania, a corrupted locality, should be unseated in this manner; let it be seen whether the country will say that a man has not a right to a seat in this Congress because he was voted for by people whose morals are not up to the standard of those who would try a case without reading the evidence and enter judgment without argument on the law. [Loud applause on the Democratic side.]

Mr. Speaker, I yield the gentleman from Missouri [Mr. DE ARMOND] the balance of my time. I would ask how much time have I remaining?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. DE ARMOND. Mr. Speaker, it would be impossible for anybody in the short space of nine minutes to make any particular impression in the discussion of a case, the testimony in which covers over twenty-three hundred pages, and the briefs in which are large and the reports in which are voluminous.

Mr. MIERS of Indiana. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri be permitted to occupy the floor for one hour.

Mr. OLMSTED. I object, Mr. Speaker.

Mr. MIERS of Indiana. I renew my request, and make it thirty minutes.

Mr. OLMSTED. I object; the time which might have been consumed in argument has been wasted otherwise.

Mr. DE ARMOND. I hope at least, Mr. Speaker, that this interruption will not come out of my time.

The SPEAKER pro tempore. It will not.

Mr. DE ARMOND. The contestee was returned by nearly sixty-three hundred majority. In order to seat the contestant, the committee recommends the throwing out of precincts which gave him over 9,000 votes and gave the contestant something like 2,000 votes. The reason given, so far as there is any reason given for this action, is that it is not possible to ascertain what, in these 41 precincts was the honest and what the dishonest vote. If that be true, it is strange that the committee has not recommended, being unable to ascertain how many honest votes were cast for one candidate or the other, it is strange that the committee has not recommended that there be declared no election. Instead of that, inasmuch as the majority of Butler in these precincts is greater than sixty-three hundred majority returned for him, it is found convenient to throw them all out and figure up 700 majority for Wagoner.

I submit, upon the theory of their own contention, that nothing can be done honestly in a case where you can not determine what are the honest votes beyond declaring that there is no election; but what reason is there for concluding that you can not determine the honest votes in this case? There is no offer to show that fraudulent votes were cast or that dishonest voters were denied an opportunity to vote. Discrepancies are found in these various precincts in the number of votes alleged to have been cast and the number of votes returned for this candidate or that candidate, sometimes considerable discrepancies, sometimes very small discrepancies, and in some instances a few votes. Then, instead of assuming or indulging in the humane supposition that errors may have occurred through the lack of skill or inadvertence, or lack of care of the clerks in any one of the thousand ways that might have occurred, and frequently do occur honestly, the whole precinct is disfranchised. Hundreds of men, of whose honesty there is no question, are disfranchised, and the seat is given to a man who comes here over 6,000 votes short of his competitor.

This is a very simple proceeding, if gentlemen have any regard for the honesty and decency in the matter. Of course if the only object is to take the seat and throw the incumbent out because it is supposed there are votes enough to throw him out, the proceeding is very well understood. But why should the committee, if that be the case, go through the travesty of an argument, or talk about legal principles, or talk about the sacredness of the ballot, about the committee trying to ascertain who is elected, when every man who knows a very little about the case must know to a certainty that Wagoner is not elected? Wagoner came on the Republican ballot, and I defy any gentleman to contradict it, when he had no right upon it at all. He had no right anywhere in that election except upon a ticket by himself, with not another candidate on the ballot; but he is put on the Republican ballot.

Mr. OLMSTED. Will the gentleman yield?

Mr. DE ARMOND. No; of course I can not yield unless the gentleman gives me time. The impertinence, and assumption, and assurance, and gall, the want of a sense of justice in a man

trying to run roughshod over gentlemen on this side and yet by frivolous and childish questions taking the time of a man who has only nine minutes [laughter and applause on the Democratic side] is utterly beyond the comprehension of the gentleman from Pennsylvania, of course. [Laughter.] Many things much plainer are much beyond his intellect.

Now, here is a man who was not nominated, here is a man whose party did not put him forward, here is a man who had no place rightfully upon his party's ticket, and yet in a spirit of fairness and justice, in generosity that comes from being decorous, he is put upon the Republican ballot, where he gets the benefit of the votes of the Republican party which cast him out and repudiated him when they came to the matter of nomination.

And now we have here the farce, the shameful spectacle, of an attempt to put that man into the House, to draw \$10,000 salary, to draw two mileages, to draw two allowances for stationery. In all the proceedings—not only in the United States Congress but the wide world over—in the history of election contests no other case so base, so low, so mean, showing such utter want of decency and all pretense of right, so thoroughly colorless of anything except iniquity and wrong, can be found; nothing in baseness and hypocrisy, nothing in meanness and deceit, nothing in bitter partisanship and cant, to match or to be compared to this case. [Applause on the Democratic side.]

Take the seat, if you choose to take it; steal it, if you choose to steal it. [Applause on the Democratic side.] Rob the man who was elected, if you choose to rob him. Throw upon the people of that district, who twice have returned Mr. Butler to Congress, the representation of a man whom they have repudiated. Bring this man in here; associate with him upon terms of equality for the remaining days of this session. Welcome him to your bosoms as a man not at all entitled to the seat, but a man fully entitled to political fellowship with those who would steal it for him—the recipient of stolen goods placed upon a precise par with those who stole the goods. [Applause on the Democratic side.]

The gentleman on the other side suggests that time has been frittered away. Ay, the time has been well employed which has been used to delay the hour of the perpetration, the completion, of this iniquity. And let gentlemen understand that until the 4th day of March—until the Speaker from the chair declares this House adjourned sine die, there will be done on this side whatever can be done decently, under the rules of the House, in accordance with appropriate legislative procedure, to carry to the country the fact, to stamp upon the record, to show to future generations that we are not going to tolerate or condone this kind of larceny.

Take the seat and pay for it! Take the seat and be accountable for the wrong that gives it to you! Gather all that you can by what you get out of Wagoner; gather all that you can by what you get out of this act; but pay the penalty—answer the responsibility. If legislation fails—if time which you think ought not to be consumed is consumed in roll calls—recollect when you vote to steal Mr. Butler's seat that you are voting to kill the measures that will be killed in consequence of that act. [Applause on the Democratic side.]

There is not a man upon the committee who has read all the evidence in this case. The gentleman from Pennsylvania has read "all that was material." All that was material! All that he deemed essential to take the seat from Butler and give it to Wagoner! Everything outside of that is "immaterial." [Applause on the Democratic side.] But whatever evidence may show that Butler is entitled to the seat, whatever evidence might convince anyone who is willing to be convinced that Wagoner is not entitled to it, that would be "immaterial"—immaterial to the purposes of the inquiry. I presume that not even a second gentleman on the committee, barring, of course, the most industrious and astute chairman, has read even a part of what on that side is deemed "material." He has been told by the gentleman from Pennsylvania, I presume, what his conclusion upon the "material" part is.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

[Mr. DE ARMOND, as he resumed his seat, was loudly applauded on the Democratic side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 23, 1903:

H. R. 14764. An act to establish United States courts at Wilkesboro, N. C.

On February 24, 1903:

H. R. 5070. An act for the relief of Hamilton M. Sailors;

H. R. 16021. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 2557. An act for the relief of Henry L. McCalla;

H. R. 9063. An act to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

H. R. 13257. An act to refund penalty to the Bank of Colfax, Iowa;

H. R. 1605. An act granting a pension to John S. Whitley;

H. R. 15659. An act granting a pension to Elise Sigel;

H. R. 17247. An act granting a pension to Mary H. Rumble; and

H. R. 12508. An act granting an increase of pension to James Jones.

CONTESTED ELECTION—WAGONER AGAINST BUTLER.

Mr. ROBINSON of Indiana addressed the Chair.

The SPEAKER pro tempore (when order had been restored) recognized Mr. OLMSTED.

Mr. OLMSTED. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Fifteen minutes.

Mr. OLMSTED. I yield ten minutes to the gentleman from Kansas [Mr. MILLER].

Mr. ROBINSON of Indiana. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBINSON of Indiana. Mr. Speaker, I first rose and addressed the Chair as ranking member of the Elections Committee No. 2. I was not recognized. Am I not in order for recognition?

The SPEAKER pro tempore. The Chair is simply following out the ordinary practice in reference to recognition. The gentleman from Missouri [Mr. DE ARMOND] having just concluded his remarks on one side, the Chair has recognized the gentleman from Pennsylvania [Mr. OLMSTED] on the other.

Mr. ROBINSON of Indiana. When shall I be entitled to recognition under the rules?

The SPEAKER pro tempore. The Chair will answer that question whenever it arises. The gentleman from Pennsylvania has the floor.

Mr. OLMSTED. I yield ten minutes to the gentleman from Kansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, in the brief period allotted to me for the presentation of this case to the House I have not time to pay any attention to the vituperation and abuse of the gentleman who has just taken his seat. Neither his abuse nor his threats will prevent any member on this side of the Chamber from performing his whole duty. And I want to say, further, before the gentleman leaves the Hall, that the difficulty with the gentleman from Missouri is that he does not know what he is talking about.

Mr. DE ARMOND. Well, my friend, you ought to sympathize with me, because that is precisely your own position. [Laughter and applause on the Democratic side.]

Mr. MILLER. I do deeply sympathize with him, and I think in a moment I can convince even the gentleman from Missouri [Mr. DE ARMOND] that he does not know what he is talking about. He says that in this case Mr. Wagoner was never nominated. The records in this case show that Wagoner's nomination was certified by the election commissioners of the city of St. Louis, two of whom were Democrats and one a Republican, and his name went upon the official ballot as Mr. Butler's name went upon the official ballot, and no gentleman on that side of the Chamber denies that statement, or my reference to that fact.

Mr. SHACKLEFORD. Mr. Speaker, will the gentleman yield to a question?

Mr. MILLER. No; I will not yield to the gentleman from Missouri. A gentleman who makes such statements upon the floor of this House will not take any of my time when I have but ten minutes in which to present this matter. I want to say further—

Mr. FEELY. Mr. Speaker, I ask unanimous consent that the gentleman be given half an hour. [Applause and laughter on the Democratic side.]

Mr. OLMSTED. I object.

Mr. MILLER. Now, these are the facts in reference to the nomination. The gentleman says he was not nominated by a convention. I call his attention to the fact that he was nominated by petition, and that nomination in that way by petition was approved by the Republican convention, and that convention indorsed him by its official action.

Mr. FEELY. Were those signatures forged?

Mr. MILLER. Now, the gentleman is pleading the baby act when he says that.

Mr. FEELY. The evidence shows they were.

Mr. MILLER. The able gentleman from Missouri, Judge Bond, who presented this case in behalf of the contestee conceded the nomination of contestant and admitted that contestee had waived that question, and urged this as evidence of the magnanimity of Mr. Butler.

Mr. SHACKLEFORD. Mr. Speaker, I rise to a point of order. The gentleman is stating—I doubt if it occurred [laughter on the Democratic side]—but he is stating what occurred in the committee.

Mr. MILLER. Mr. Speaker, I wish to call the attention of the gentleman from Missouri to the record in this case, which has been published and is the same which I have used here in my reference to the language of Judge Bond in his argument before this committee.

Mr. ROBINSON of Indiana. That I deny. I deny the statement in the record.

Mr. MILLER. Mr. Speaker, I will ask the gentleman from Indiana [Mr. ROBINSON], who generally is fair, to turn now to the argument of Judge Bond. I do not want to take up my time in doing so. He will find in that record that Judge Bond argued this case, and presents it here to this House now, and it was said, in order to show the great magnanimity of Mr. Butler, they never raised any question, but conceded that this nomination was certified properly by the officers of the city of St. Louis.

Mr. ROBINSON of Indiana. But the gentleman is incorrect in his former statement.

Mr. MILLER. And I say that because of that certificate his name went on the official ballot.

Mr. FEELY. That is right.

Mr. MILLER. Yes; that is right, that is the exact record.

Mr. FEELY. But not by nomination.

Mr. MILLER. And I want to further say to the gentleman from Missouri, when he talks about anybody stealing a seat in this House, if he desires to turn to the record in this case, and he can turn to it, and I will give him the pages of the record—

Mr. SHACKLEFORD. But you will not give me the time.

Mr. MILLER. There he will find the sworn testimony of the Republican judges showing the conduct of the policemen of the city of St. Louis in one precinct. He will find it on page 14 of the record in the testimony of James H. Smith. One policeman went in there when a Republican judge had refused to allow men to repeat—

Mr. SHACKLEFORD. What was his surname?

Mr. MILLER. James H. Smith was his name, and you will find it on page 14 of the record. You might go out now to the cloakroom. [Laughter.]

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. MILLER. Now, Mr. Speaker, I say that the testimony of Mr. Smith is that the policeman went into the polling place, and he found the Republican judge was objecting to men who were repeating there, forming a circle, walking around in the room, not even changing coats or hats for the purpose of trying to conceal their identity, and when a Republican judge objected to their voting—

Mr. FEELY. Mr. Speaker, a point of order. I insist on being recognized to make a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. FEELY. My point of order is that the gentleman is now making statements which are not material. [Laughter.]

The SPEAKER pro tempore. The gentleman from Illinois is out of order.

Mr. FEELY. Mr. Speaker, the minority concedes that the precinct to which the gentleman refers should be thrown out of the ballot.

Mr. MILLER. Mr. Speaker, I was simply referring to this little episode on election day for the purpose of vindicating the action of the minority of the committee in reporting in favor of throwing out the entire vote of two precincts in the Twelfth Congressional district. But I propose to give the record. The policeman walked in, after this Republican judge had objected to these repeaters time and again—

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. MILLER. I will not yield. This policeman said "I understand that you judges are armed here, and I will have to search you." And so he searched the Republican judges and clerks, and then he walked to the door and said to the mob outside, "Why, it is a mistake. They have no arms of any kind upon their persons." And immediately the mob rushed in and they knocked the Republican judge senseless, and he had to be carried out and have his head bound up, and was taken home by the policeman, who refused to arrest any of the men who had committed the assault upon the Republican judge.

Just across the street from one voting place there was a photograph gallery, and a photographer attempted to take a snapshot of what was going on across the way, where men were forming in circles and were repeating, voting from six to eight or ten times, and suddenly the mob rushed over there, broke in the windows and doors, destroyed the materials of the photographer, and knocked him down unconscious, and beat him almost to death,

and the policeman who was on duty at that precinct went across the street and arrested the photographer as soon as he became conscious, but did not arrest any man there who had committed the assault upon this photographer or destroyed his property.

I call your attention to the fact that in the 41 precincts that the majority of the committee have thrown out there were from one to three policemen at these voting precincts during the day, and there was but one arrest made during the entire day in those precincts, although the judges and clerks time and again called the attention of the policemen to the fact that they were repeating there from one to ten times. I call your attention to the fact that so far as this illegal registration is concerned, that it was largely made up, in these 41 precincts, from houses of prostitution, from saloons, and from gambling hells. And witnesses are called in this case who testify that the people registered from those places were not there upon election day. [Applause on the Republican side.]

Mr. THAYER. A parliamentary inquiry.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THAYER. Was not a motion made that the gentleman's time be extended half an hour, and was there anyone objecting to that? I should like to have the gentleman's time extended. I have some questions I should like to ask him myself.

The SPEAKER pro tempore. The gentleman who made the request was not entitled to the floor to make the request.

Mr. ROBINSON of Indiana. So that I will not lose my rights, I ask for recognition by the Chair.

The SPEAKER pro tempore. The gentleman who made the request that the time of the gentleman from Kansas be extended did not have the right to the floor to make the request.

Mr. WILLIAMS of Illinois. And the gentleman from Pennsylvania objected.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized.

Mr. OLMSTED. Mr. Speaker, I desire to be notified when I have occupied four minutes.

The SPEAKER pro tempore. The gentleman will be so notified.

Mr. OLMSTED. In reply—

Mr. THAYER. In the four minutes I should like to ask the gentleman a question or two.

Mr. OLMSTED. I do not yield, and I do not want this taken out of my time.

Mr. THAYER. Is this a vaudeville show or a legislative body?

Mr. OLMSTED. I hope this will not be taken out of my time.

Mr. Speaker, I desire to reply to the exceedingly able argument, the legal argument of the gentleman from Missouri, who speaks best when he knows nothing about either the law or the facts of the case. I call his attention to an extract from McCrary on Elections:

It has long been held by all judicial tribunals of the country, as well as by the decisions of Congress, and the legislatures of the several States, that the entire poll should always be rejected for any one of the three following reasons: First, want of authority in the election board. Second, fraud in conducting election. Third, such irregularities and misconduct as render the election void.

These last two reasons are found in every one of these 41 election precincts which we have rejected. In every one of them there were missing from the ballot boxes numbers ranging from 5 to 140 ballots of persons shown on the poll books to have appeared and voted. Is not that fraud and irregularity in conducting the election? In every one of these cases there were duplicate ballots in the same name, the same number, and the same address counted for Butler. Is that fraud or irregularity, or is it not? In every one of them the ballot boxes were found to contain ballots illegally cast by persons who were not registered. In every one of them ballots cast by repeaters. In every one of them the election officers had entered into a conspiracy to defeat the contestant.

Now, I submit, Mr. Speaker, the gentleman from Missouri inaugurated this system of bulldozing, served notice upon us that if we even filed a report in this case at this session there should be no further legislation, and has to-day, with others on that side of the Chamber, consumed three hours on frivolous motions intended merely for delay, which time might have been devoted to the discussion of this case. It showed that they did not dare to discuss it on the law and the facts. They wanted to prevent a discussion.

Now, I submit that this House will disgrace itself if it does not seat a man who is shown clearly to be entitled to this seat and shall continue longer a man who has been allowed to draw \$10,000 of salary to which he is not entitled and \$4,000 for election expenses. I appeal to this House to resent the gentleman's threat; to maintain its own dignity; to preserve the integrity of its own membership, and to seat the sitting member—[great laughter and applause on the Democratic side]—to unseat the sitting member and seat the gentleman who will be the sitting member upon the

conclusion of this case, because he is fairly and justly entitled to the seat. [Applause on the Republican side.]

I now demand the previous question on the resolutions and amendment by way of substitute to the final passage.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the previous question.

The SPEAKER pro tempore proceeded to put the question.

Mr. OLMSTED. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 112, answered "present" 12, not voting 76; as follows:

YEAS—151.

Acheson,	Dahle,	Hopkins,	Pearre,
Adams,	Dalzell,	Howell,	Perkins,
Alexander,	Darragh,	Hughes,	Powers, Me.
Allen, Me.	Davidson,	Hull,	Powers, Mass.
Applin,	Dick,	Irwin,	Reeder,
Babcock,	Douglas,	Jack,	Reeves,
Ball, Del.	Draper,	Jackson, Md.	Schirm,
Barney,	Dwight,	Jenkins,	Shattuc,
Bartholdt,	Emerson,	Jones, Wash.	Showalter,
Bates,	Esch,	Joy,	Sibley,
Beidler,	Fletcher,	Knapp,	Smith, Ill.
Bishop,	Foerderer,	Kyle,	Smith, Iowa
Blackburn,	Fordney,	Lacey,	Smith, H. C.
Boring,	Foster, Vt.	Landis,	Smith, S. W.
Boutell,	Fowler,	Lawrence,	Smith, Wm. Alden
Bowersock,	Gaines, W. Va.	Lewis, Pa.	Southard,
Brandegoe,	Gardner, Mass.	Littauer,	Southwick,
Brick,	Gardner, Mich.	Littlefield,	Sperry,
Bristow,	Gardner, N. J.	Long,	Steele,
Brown,	Gibson,	Loudenslager,	Stevens, Minn.
Bull,	Gillet, N. Y.	Lovering,	Stewart, N. Y.
Burk, Pa.	Gillett, Mass.	Mahon,	Storm,
Burke, S. Dak.	Graham,	Marshall,	Tawney,
Burleigh,	Greene, Mass.	Martin,	Taylor, Ohio
Burton,	Grosvenor,	Mercer,	Thomas, Iowa
Butler, Pa.	Grow,	Miller,	Tompkins, Ohio
Calderhead,	Hamilton,	Moody,	Van Voorhis,
Cannon,	Hanbury,	Morgan,	Vreeland,
Capron,	Haskins,	Morris,	Wadsworth,
Cassel,	Haugen,	Mudd,	Wanger,
Coombs,	Hedge,	Needham,	Warner,
Cooper, Wis.	Hemenway,	Nevin,	Warnock,
Cousins,	Henry, Conn.	Olmsted,	Watson,
Cromer,	Heppburn,	Otjen,	Weeks,
Crumpacker,	Hildebrandt,	Overstreet,	Woods,
Currier,	Hill,	Palmer,	Wright,
Cushman,	Holliday,	Patterson, Pa.	Young,
		Payne,	

NAYS—112.

Adamson,	Flood,	McAndrews,	Shackleford,
Allen, Ky.	Foster, Ill.	McClellan,	Shallenberger,
Ball, Tex.	Fox,	McCulloch,	Sheppard,
Bartlett,	Gilbert,	McLain,	Sims,
Benton,	Glass,	McRae,	Slayden,
Bilmeier,	Goldfogle,	Mahoney,	Small,
Bowie,	Gooch,	Maynard,	Smith, Ky.
Breazale,	Gordon,	Mick,	Snodgrass,
Brundidge,	Griggs,	Miers, Ind.	Snook,
Burgess,	Hay,	Moon,	Sparkman,
Burleson,	Henry, Tex.	Neville,	Stark,
Caldwell,	Hooker,	Newlands,	Stephens, Tex.
Candler,	Howard,	Padgett,	Sulzer,
Clayton,	Johnson,	Pou,	Swann,
Cochran,	Kehoe,	Randell, Tex.	Swanson,
Cooney,	Kern,	Randell, La.	Tate,
Cowherd,	Kitchin, Claude	Reid,	Taylor, Ala.
Crowley,	Kitchin, Wm. W.	Rhea,	Thayer,
Davey, La.	Kluttz,	Richardson, Ala.	Thomas, N. C.
De Armond,	Lamb,	Richardson, Tenn.	Thompson,
Dinsmore,	Latimer,	Rixey,	Underwood,
Dougherty,	Lester,	Robb,	Vandiver,
Elliott,	Lever,	Robertson, La.	White,
Feely,	Lewis, Ga.	Robinson, Ind.	Wiley,
Finley,	Lindsay,	Rucker,	Williams, Ill.
Fitzgerald,	Little,	Russell,	Williams, Miss.
Flanagan,	Livingston,	Ryan,	Wilson,
	Lloyd,	Scarborough,	Zenor.

ANSWERED "PRESENT"—12.

Cassingham,	Mann,	Morrell,	Scott,
Dayton,	Metcalf,	Pierce,	Sherman,
Deemer,	Minor,	Prince,	Tirrell.

NOT VOTING—76.

Bankhead,	Davis, Fla.	Kahn,	Patterson, Tenn.
Bell,	Dovener,	Ketcham,	Pugsley,
Bellamy,	Driscoll,	Kieberg,	Roberts,
Belmont,	Eddy,	Knox,	Robinson, Nebr.
Bingham,	Edwards,	Lassiter,	Ruppert,
Blakeney,	Evans,	Lessler,	Selby,
Brantley,	Fleming,	Loud,	Shafroth,
Bromwell,	Foss,	McCall,	Shelden,
Broussard,	Gaines, Tenn.	McCleary,	Skiles,
Gill,	Glenn,	McDermott,	Spight,
Brownlow,	Green, Pa.	McLachlan,	Stewart, N. J.
Burkett,	Griffith,	Maddox,	Sullivan,
Burnett,	Heatwole,	Meyer, La.	Sutherland,
Butler, Mo.	Henry, Miss.	Moss,	Talbert,
Connell,	Hitt,	Mutchler,	Tompkins, N. Y.
Conner,	Jackson, Kans.	Napfen,	Trimble,
Conry,	Jett,	Norton,	Wachter,
Cooper, Tex.	Jones, Va.	Parker,	Wheeler,
Corliss,			Wooten.
Creamer,			

So the previous question was ordered.

The following additional pairs were announced:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

For the balance of the day:

Mr. ROBERTS with Mr. BANKHEAD.
Mr. CONNER with Mr. CREAMER.
Mr. FOSS with Mr. BELLAMY.
Mr. DRISCOLL with Mr. DAVIS of Florida.
Mr. GILL with Mr. FLEMING.
Mr. HITT with Mr. McDERMOTT.
Mr. McCLEARY with Mr. NORTON.
Mr. BINGHAM with Mr. JONES of Virginia.
Mr. PARKER with Mr. PUGSLEY.
Mr. SULLOWAY with Mr. TRIMBLE.

On this vote:

Mr. EDDY with Mr. COOPER of Texas.
Mr. WACHTER with Mr. MADDOX.

Mr. UNDERWOOD. Mr. Speaker, I now move to recommit the case to the Committee on Elections, and I desire to say that the reason of moving that this case go back to the Committee on Elections is—

Mr. PAYNE. Mr. Speaker, I make the point of order that that motion is not debatable.

The SPEAKER pro tempore. The motion is not in order now. The first question is on the amendment offered by the gentleman from Indiana.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Let the amendment be reported, so that we may know what it is.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

Strike out all after the word "Resolved" and insert:

"That George C. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri and is not entitled to a seat therein."

"Resolved, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri and is entitled to a seat therein."

Mr. UNDERWOOD. Now, Mr. Speaker, I make the point of order that my motion was in order. This is a substitute for the original resolution, and is not an amendment differing in its terms.

The SPEAKER pro tempore. It has no standing in a parliamentary way except as an amendment. It is offered by the gentleman from Indiana—

Mr. UNDERWOOD. Then, Mr. Speaker, I ask for recognition at the proper time to make that motion.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this resolution contains two propositions. Each subject will stand by itself, and I demand a separate vote.

Mr. OLMSTED. I make the point of order, Mr. Speaker, that a substitute amendment is not divisible.

The SPEAKER pro tempore. The Chair will say to the gentleman from Tennessee that under the rules of the House, as the gentleman from Tennessee is aware, a motion to strike out and insert is not divisible.

Mr. RICHARDSON of Tennessee. I understand that, but if it contains two substantive propositions, I suppose the Chair would entertain a division of the question. We have always had a division on questions of this kind.

The SPEAKER pro tempore. There is no doubt about that. The gentleman will be entitled to a division on the main proposition, but on the motion to strike out a resolution and insert it is not divisible.

Mr. RICHARDSON of Tennessee. The Chair holds that this is a motion to strike out and insert?

The SPEAKER pro tempore. It is not divisible, and the Chair thinks the gentleman from Tennessee will recognize the propriety of that ruling. The motion is on the amendment offered by the gentleman from Indiana.

The question was taken.

Mr. ROBINSON of Indiana. Mr. Speaker, I demand a division.

Mr. PAYNE. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 153, answered "present" 11, not voting 75; as follows:

YEAS—112.

Adamson,	Clayton,	Flood,	Kern,
Allen, Ky.	Cochran,	Foster, Ill.	Kitchin, Claude
Ball, Tex.	Cooper, Tex.	Fox,	Kitchin, Wm. W.
Bartlett,	Cowherd,	Gilbert,	Kluttz,
Benton,	Crowley,	Glass,	Lamb,
Billmeyer,	Davey, La.	Goldfogle,	Latimer,
Bowie,	De Armond,	Gooch,	Lester,
Breazeale,	Dinsmore,	Gordon,	Lever,
Brundidge,	Dougherty,	Hay,	Lewis, Ga.
Burgess,	Elliott,	Henry, Tex.	Lindsay,
Burleson,	Feely,	Hooker,	Little,
Caldwell,	Finley,	Howard,	Livingston,
Candler,	Fitzgerald,	Johnson,	Lloyd,
Clark,	Flanagan,	Kehoe,	McAndrews,

McClellan,
McCalloch,
McLain,
McKee,
Maddox,
Mahoney,
Maynard,
Mickey,
Miers, Ind.
Moon,
Neville,
Newlands,
Padgett,
Pou,

Randell, Tex.
Ransdell, La.
Reid,
Rhea,
Richardson, Ala.
Richardson, Tenn.
Rixey,
Robb,
Robertson, La.
Robinson, Ind.
Rucker,
Russell,
Ryan,
Scarborough,

Shackleford,
Shallenberger,
Sheppard,
Sims,
Slayden,
Small,
Smith, Ky.
Snodgrass,
Snook,
Sparkman,
Stark,
Stephens, Tex.
Sulzer,
Swann.

Swanson,
Tate,
Taylor, Ala.
Thayer,
Thomas, N. C.
Thompson,
Trimble,
Underwood,
Vandiver,
White,
Wiley,
Williams, Ill.
Williams, Miss.
Zenor.

NAYS—153.

Acheson,
Adams,
Alexander,
Allen, Me.
Applin,
Babcock,
Ball, Del.
Barney,
Bartholdt,
Bates,
Beidler,
Bishop,
Blackburn,
Boreing,
Bowersock,
Brandegge,
Brick,
Bristow,
Brown,
Bull,
Burk, Pa.
Burke, S. Dak.
Burkett,
Burleigh,
Burton,
Butler, Pa.
Calderhead,
Cannon,
Capron,
Cassel,
Conner,
Coombs,
Cooper, Wis.
Cousins,
Cromer,
Crumpacker,
Currier,
Curtis,
Cushman,

Dalzell,
Darragh,
Davidson,
Dick,
Douglas,
Draper,
Dwight,
Eddy,
Emerson,
Esch,
Fletcher,
Foerderer,
Fordney,
Foster, Vt.
Fowler,
Gaines, W. Va.
Gardner, Mass.
Gardner, Mich.
Gardner, N. J.
Gibson,
Gillett, N. Y.
Gillett, Mass.
Graff,
Graham,
Greene, Mass.
Grosvenor,
Grow,
Hamilton,
Hanbury,
Haskins,
Haugen,
Hedge,
Hemenway,
Henry, Conn.
Hepburn,
Hildebrandt,
Hill,
Holliday,
Hopkins,

Howell,
Hughes,
Hull,
Irwin,
Jack,
Jackson, Md.
Jenkins,
Jones, Wash.
Joy,
Knapp,
Kyle,
Lacey,
Landis,
Lawrence,
Lewis, Pa.
Littauer,
Littlefield,
Long,
Loudenslager,
Lovering,
McCleary,
Mahon,
Marshall,
Martin,
Mercer,
Miller,
Minor,
Moody,
Morgan,
Morrell,
Morris,
Mudd,
Needham,
Nevin,
Olmsted,
Otjen,
Overstreet,
Palmer,
Patterson, Pa.

Payne,
Pearre,
Perkins,
Powers, Me.
Powers, Mass.
Reeder,
Reeves,
Shattuc,
Showalter,
Sibley,
Smith, Ill.
Smith, Iowa
Smith, H. C.
Smith, S. W.
Smith, Wm. Alden,
Southard,
Southwick,
Sperry,
Stevens, Minn.
Stewart, N. Y.
Storm,
Tawney,
Taylor, Ohio
Thomas, Iowa
Tompkins, Ohio
Van Voorhis,
Vreeland,
Wadsworth,
Wanger,
Warner,
Warnock,
Watson,
Weeks,
Woods,
Wright,
Young,
The Speaker.

ANSWERED "PRESENT"—11.

Cassingham,
Dayton,
Deemer,

Loud,
Mann,
Metcalf,

Pierce,
Prince,
Scott,

Sherman,
Tirrell.

NOT VOTING—75.

Bankhead,
Bell,
Bellamy,
Belmont,
Bingham,
Blakeney,
Boutell,
Brantley,
Bromwell,
Broussard,
Brownlow,
Burnett,
Butler, Mo.
Connell,
Conry,
Cooney,
Corliss,
Creamer,
Dahle,

Davis, Fla.
Dovener,
Driscoll,
Edwards,
Evans,
Fleming,
Foss,
Gaines, Tenn.
Gill,
Glenn,
Green, Pa.
Griffith,
Griggs,
Heatwole,
Henry, Miss.
Hitt,
Jackson, Kans.
Jett,
Jones, Va.

Kahn,
Ketcham,
Kieberg,
Knox,
Lassiter,
Lessler,
McCall,
McDermott,
McLachlan,
Meyer, La.
Mondell,
Moss,
Mutchler,
Naphen,
Norton,
Parker,
Patterson, Tenn.
Pugsley,
Roberts,

Robinson, Nebr.
Ruppert,
Schirm,
Selby,
Shafroth,
Shelden,
Skiles,
Spight,
Steele,
Stewart, N. J.
Sulloway,
Sutherland,
Talbert,
Tompkins, N. Y.
Wachter,
Wheeler,
Wilson,
Wooten.

So the amendment was rejected.

The following additional pairs were announced:

For the balance of the day:

Mr. BOUTELL with Mr. GRIGGS.

Mr. WACHTER with Mr. WILSON.

Mr. GRAFF with Mr. COONEY.

Mr. UNDERWOOD. I move to recommit the resolutions to the Committee on Elections. My purpose in making that motion is this—

Mr. PAYNE. I move the previous question on the motion.

Mr. UNDERWOOD. I had the floor, and I ask the Chair whether he proposes to recognize—

The SPEAKER pro tempore. The motion is not debatable. The gentleman from Alabama [Mr. UNDERWOOD] moves to recommit the resolutions to the Committee on Elections. On that motion the gentlemen from New York [Mr. PAYNE] asks for the previous question.

The question being taken on ordering the previous question, there were—yeas 156, noes 4.

Mr. UNDERWOOD. I make the point of order that no quorum is present.

Mr. GROSVENOR. I make the point that the motion of the gentleman from Alabama is dilatory. A quorum has just voted; and the presumption is that there is a quorum in or about, the House.

The SPEAKER pro tempore. The record discloses the absence

of a quorum. Evidently there is no quorum in the Hall. The Chair orders the doors to be closed. The Doorkeeper will take measures to enforce the attendance of absent members. The yeas and nays will now be taken under the rule, and gentlemen, as their names are called will respond "aye" or "no" or "present."

The question was taken; and there were—yeas 147, nays 12, answered "present" 19, not voting 174; as follows:

YEAS—147.

Acheson,	Dable,	Hopkins,	Parker,
Adams,	Dalzell,	Howell,	Patterson, Pa.
Alexander,	Darragh,	Hughes,	Payne,
Allen, Me.	Davidson,	Hull,	Pearre,
Applin,	Dick,	Irwin,	Perkins,
Ball, Del.	Douglas,	Jack,	Powers, Me.
Barney,	Draper,	Jackson, Md.	Powers, Mass.
Bartholdt,	Dwight,	Jones, Wash.	Reeder,
Bates,	Eddy,	Joy,	Reeves,
Beidler,	Esch,	Knapp,	Schirm,
Bishop,	Fletcher,	Kyle,	Showalter,
Blackburn,	Foerderer,	Lacey,	Sibley,
Boreing,	Fordney,	Landis,	Smith, Ill.
Boutell,	Foster, Vt.	Lawrence,	Smith, Iowa
Bowersock,	Fowler,	Lewis, Pa.	Smith, H. C.
Brandegge,	Gaines, W. Va.	Littauer,	Smith, S. W.
Brick,	Gardner, Mass.	Littlefield,	Smith, Wm. Alden
Bristow,	Gardner, Mich.	Long,	Southard,
Bull,	Gardner, N. J.	Loudenslager,	Southwick,
Burk, Pa.	Gibson,	Lovering,	Steele,
Burke, S. Dak.	Gillet, N. Y.	McCleary,	Stevens, Minn.
Burkett,	Gillett, Mass.	Mahon,	Stewart, N. Y.
Burleigh,	Graff,	Marshall,	Storm,
Burton,	Greene, Mass.	Martin,	Tawney,
Butler, Pa.	Grosvener,	Mercer,	Taylor, Ohio
Cannon,	Grow,	Miller,	Thomas, Iowa
Capron,	Hamilton,	Minor,	Tompkins, Ohio
Cassel,	Hanbury,	Moody,	Van Voorhis,
Conner,	Haskins,	Morgan,	Warner,
Coombs,	Haugen,	Morris,	Warnock,
Cooper, Wis.	Hedge,	Mudd,	Watson,
Cousins,	Hemenway,	Needham,	Weeks,
Cromer,	Henry, Conn.	Nevin,	Woods,
Crumpacker,	Hepburn,	Olmsted,	Wright,
Currier,	Hildebrandt,	Otjen,	Young,
Curtis,	Hill,	Overstreet,	The Speaker.
Cushman,	Holliday,	Palmer,	

NAYS—12.

Cooper, Tex.	Lloyd,	Richardson, Tenn.	Underwood,
De Armond,	McRae,	Robinson, Ind.	Williams, Ill.
Lester,	Moon,	Snodgrass,	Zenor.

ANSWERED "PRESENT"—19.

Babcock,	Emerson,	Prince,	Tirrell,
Calderhead,	Loud,	Scott,	Vreeland,
Dayton,	Mann,	Sherman,	Wadsworth,
Deemer,	Metcalfe,	Sperry,	Wanger.
Dovener,	Morrell,	Sulloway,	

NOT VOTING—174.

Adamson,	Evans,	Lassiter,	Ruppert,
Allen, Ky.	Feely,	Latimer,	Russell,
Ball, Tex.	Finley,	Lessler,	Ryan,
Bankhead,	Fitzgerald,	Lever,	Scarborough,
Bartlett,	Flanagan,	Lewis, Ga.	Seely,
Bell,	Fleming,	Lindsay,	Shackelford,
Bellamy,	Flood,	Little,	Shafroth,
Belmont,	Foss,	Livingston,	Shallenberger,
Benton,	Foster, Ill.	McAndrews,	Shattuc,
Billmeyer,	Fox,	McCall,	Shelden,
Bingham,	Gaines, Tenn.	McClellan,	Sheppard,
Blakeney,	Gilbert,	McCulloch,	Sims,
Bowie,	Gill,	McDermott,	Skiles,
Brantley,	Glass,	McLachlan,	Slayden,
Breazeale,	Glenn,	McLain,	Small,
Bromwell,	Goldfogle,	Maddox,	Smith, Ky.
Broussard,	Gooch,	Mahoney,	Snook,
Brown,	Gordon,	Maynard,	Sparkman,
Brownlow,	Graham,	Meyer, La.	Spight,
Brundidge,	Green, Pa.	Mickey,	Stark,
Burgess,	Griffith,	Miers, Ind.	Stephens, Tex.
Burleson,	Griggs,	Mondell,	Stewart, N. J.
Burnett,	Hay,	Moss,	Sulzer,
Butler, Mo.	Heatwole,	Mutchler,	Sutherland,
Caldwell,	Henry, Miss.	Naphe,	Swann,
Candler,	Henry, Tex.	Neville,	Swanson,
Cassingham,	Hitt,	Newlands,	Talbert,
Clark,	Hooker,	Norton,	Tate,
Clayton,	Howard,	Padgett,	Taylor, Ala.
Cochran,	Jackson, Kans.	Patterson, Tenn.	Thayer,
Connell,	Jenkins,	Pierce,	Thomas, N. C.
Conry,	Jett,	Pou,	Thompson,
Cooney,	Johnson,	Pugsley,	Tompkins, N. Y.
Corliss,	Jones, Va.	Randell, Tex.	Trimble,
Cowherd,	Kahn,	Ransdell, La.	Vandiver,
Creamer,	Kehoe,	Reid,	Wachter,
Crowley,	Kern,	Rhea,	Wheeler,
Davey, La.	Ketcham,	Richardson, Ala.	White,
Davis, Fla.	Kitchin, Claude	Rixey,	Wiley,
Dinsmore,	Kitchin, Wm. W.	Robb,	Williams, Miss.
Dougherty,	Kleberg,	Roberts,	Wilson,
Driscoll,	Klutz,	Robertson, La.	Wooten.
Edwards,	Knox,	Robinson, Nebr.	
Elliott,	Lamb,	Rucker,	

So the previous question was ordered.

Mr. BURK of Pennsylvania. Mr. Speaker, how am I recorded? The SPEAKER pro tempore. The gentleman is recorded as answering "present."

Mr. BURK of Pennsylvania. I desire to be recorded "aye."

The name of Mr. BURK of Pennsylvania being again called, he voted in the affirmative.

Mr. HANBURY. Mr. Speaker, I answered "present" on the roll call. I desire to be recorded in the affirmative.

Mr. HANBURY's name being again called, he voted "aye."

Mr. McRAE. I desire to change my vote from "present" to "no."

The name of Mr. McRAE was again called; and he voted in the negative.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

For the balance of the day:

Mr. BLAKENEY with Mr. MICKEY.

Mr. EMERSON with Mr. STEPHENS of Texas.

Mr. SPERRY with Mr. SWANSON.

Mr. BROWN with Mr. COWHERD.

Mr. BABCOCK with Mr. SIMS.

Mr. GRAHAM with Mr. WILLIAM W. KITCHIN.

Mr. SHATTUC with Mr. NEVILLE.

Mr. JENKINS with Mr. PADGETT.

Mr. WADSWORTH with Mr. ALLEN of Kentucky.

Mr. CALDERHEAD with Mr. COCHRAN.

Mr. HEATWOLE with Mr. TATE.

The result of the vote was announced, as above stated.

During the call of the House and pending the announcement of the vote by the Speaker the following occurred:

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask for order. I make the point of order that members are not allowed to stand around the Clerk's desk.

The SPEAKER pro tempore. Gentlemen will please take their seats.

Mr. UNDERWOOD. I ask if the vote has been added, if the clerks have finished their count.

The SPEAKER pro tempore. The Chair will respond to the gentleman at the proper time.

Mr. BARTHOLDT. Mr. Speaker, I rise to a parliamentary inquiry. I would like to know whether the gentlemen on the other side who are in their seats and who failed to respond to their names have been counted.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the regular order.

Mr. PAYNE. Oh, the gentleman has a right make that inquiry.

The SPEAKER pro tempore. The Chair will state that the rules of the House are being enforced.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I again make the point of order that gentlemen have no right to stand around the Clerk's desk.

The SPEAKER pro tempore. To what gentlemen does the gentleman from Tennessee refer?

Mr. RICHARDSON of Tennessee. The gentleman from Minnesota, Mr. TAWNEY, was there when I made the point of order.

Mr. LITTLEFIELD. But the gentleman's point of order took him away.

Mr. PAYNE. I noticed just a moment before that that the gentleman from Tennessee was there.

Mr. RICHARDSON of Tennessee. I was sent for by the Speaker.

The SPEAKER pro tempore. The Clerk will please note as present Mr. BANKHEAD of Alabama, who was present and failed to respond when his name was called.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Alabama to recommit.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. The Chair announced so many as present. I would like to ask, as a fact, whether these gentlemen answered present or whether they were noted as present.

The SPEAKER pro tempore. All of them answered "present," excepting Mr. BANKHEAD. The question now is on the motion of the gentleman from Alabama to recommit.

The question was taken; and on a division (demanded by Mr. WANGER), there were—ayes 5, noes 165.

So the motion to recommit was lost.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. And the Chair overrules the point of order as being dilatory. [Prolonged applause on the Republican side.]

Mr. RICHARDSON of Tennessee. And I venture to say that no occupant of the chair ever before did that. It is arbitrary, tyrannical, unconstitutional; it is unjust and it is unfair.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. RICHARDSON of Tennessee. I denounce it as unfair and unjust and as never having been done before.

The SPEAKER pro tempore. The question now is on the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That James J. Butler was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

The question was taken.

Mr. UNDERWOOD. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. The ayes have it, and the question now is on the second resolution.

Mr. RICHARDSON of Tennessee. That is tyrannical.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. RICHARDSON of Tennessee. I am not out of order. The Chair is arbitrary and unjust.

The SPEAKER pro tempore. The question is on agreeing to the second resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That George C. R. Wagoner was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question being taken, the Speaker pro tempore announced that the ayes appear to have it, the ayes have it, and the resolution is agreed to.

Mr. UNDERWOOD. Division, Mr. Speaker.

Mr. OLMSTED. I move to reconsider, and to lay that motion on the table.

Mr. RICHARDSON of Tennessee. Does the Chair intend to deprive a member of this House of his seat without the right of a division?

The SPEAKER pro tempore. As many as are in favor of the resolution will rise and stand until counted.

Mr. RICHARDSON of Tennessee. I ask what question the Chair is submitting?

The SPEAKER pro tempore. If the gentleman had listened, he would have heard the resolution.

Mr. RICHARDSON of Tennessee. I was listening. I deny that I was not listening.

The SPEAKER pro tempore. It is the second resolution reported by the committee.

Mr. PAYNE. Mr. Speaker, what is the question?

The SPEAKER pro tempore. On agreeing to the second resolution reported by the committee.

Mr. PAYNE. I ask that the resolution be again reported.

The SPEAKER pro tempore. Without objection, the Clerk will report the resolution.

The Clerk again read the resolution.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UNDERWOOD. I demand a division.

The SPEAKER pro tempore. A division is demanded. As many as are in favor of the resolution will rise and stand until they are counted.

Mr. RICHARDSON of Tennessee. Why do you grant a division now, and not on the other motion?

The House divided.

The SPEAKER pro tempore. On this question the ayes are 161 and the noes are 2.

Mr. UNDERWOOD. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair overrules the point of order. The resolution is agreed to.

Mr. RICHARDSON of Tennessee. I say that never was done before. I did not believe any occupant of the chair could be found in this House who would do it. It is unnecessary. You have a majority.

Mr. HEMENWAY. What became of your members?

Mr. RICHARDSON of Tennessee. It is unjust and tyrannical, and I did not believe that any occupant of the chair would ever do it. I say that no other gentleman would have done it. The Speaker would not have done it.

At this point the Speaker resumed the chair.

The SPEAKER. All gentlemen will be seated.

Mr. JOY and Mr. Wagoner took their places in front of the Speaker's desk.

Mr. JOY. Mr. Speaker, I desire to introduce Judge C. R. Wagoner.

The SPEAKER administered the oath of office to Mr. Wagoner.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

Mr. RICHARDSON of Tennessee. I demand the reading of those bills, Mr. Speaker. We want to know what bills those are.

The SPEAKER. The Clerk will read them by their titles.

The Clerk read the titles of the bills.

ORDER OF BUSINESS.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk—

Mr. UNDERWOOD. I demand the regular order.

The SPEAKER. There is another matter to be presented to the House.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia;

H. R. 14051. An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

H. R. 1027. An act granting a pension to Lavina Cook;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

H. R. 16. An act to provide for the erection at Washington, D. C., of statues to the memory of Brigadier-General Count Pulaski and Major-General Baron von Steuben of the Continental Army; and

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Agricultural appropriation bill, to disagree to all the Senate amendments, and ask for a committee of conference.

Mr. RICHARDSON of Tennessee. The rules require—

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Agricultural appropriation bill, to disagree to all the amendments of the Senate, and ask for a conference.

Mr. RICHARDSON of Tennessee. I insist on the regular order under the rules of this Republican House. I demand the regular order.

RECESS.

Mr. PAYNE. I move that the House do now take a recess until 11 o'clock to-morrow, and on that I demand the previous question.

The SPEAKER. The gentleman from New York moves that the House take a recess until to-morrow at 11 o'clock, and on that motion he demands the previous question.

Mr. HEMENWAY. Mr. Speaker, pending that, allow me to report a bill.

Mr. PAYNE. I ask the gentleman from Indiana not to do that.

The SPEAKER. The question is on ordering the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I demand a division.

The House divided; and the Speaker announced—ayes 169, noes 5.

Mr. UNDERWOOD. I make the point, Mr. Speaker, that there is no quorum present.

The SPEAKER. The Chair is obliged to overrule the point of order, for the reason that the recent call of the House shows that there was a quorum present, and it is well settled by the rules that the point of no quorum can not be made when a recent call of the House shows the presence of a quorum.

Mr. UNDERWOOD. Will the Chair hear me for a moment?

The SPEAKER. The Chair will not hear the gentleman, the

Chair very much regrets to say. The Chair has recently examined the matter.

Mr. UNDERWOOD. I call the attention of the Chair to the fact that that was when no intervening business had taken place, and intervening business has taken place.

The SPEAKER. The Chair begs the gentleman's pardon.

Mr. RICHARDSON of Tennessee. It was half an hour ago, and members, to my knowledge, have left the House.

Mr. TAWNEY. I would suggest that there are four present on the Democratic side who did not rise.

The SPEAKER. The question is decided, and the Chair is clear that it is decided correctly.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair.

The SPEAKER. The previous question is ordered.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal, as dilatory. The question is now on the motion of the gentleman from New York to take a recess until 11 o'clock to-morrow.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I ask for a division on that, Mr. Speaker.

The SPEAKER proceeded to count.

Mr. UNDERWOOD. Mr. Speaker, I rise to a question of personal privilege. I do not wish to call attention to any gentleman, but I see gentlemen in the House not members of the House. I presume they are doing so innocently, but they are standing in the line of the Speaker's gavel.

The SPEAKER. Members-elect who are not members of this House will be seated. The Chair, however, has been guarded in that particular.

Mr. UNDERWOOD. I did not know whether the Chair would know all.

The SPEAKER. The Chair would not know all. The gentleman is right.

The question was taken; and there were—ayes 173, noes 4.

So the motion was agreed to; and accordingly (at 7 o'clock and 12 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. B. Harper, administrator of estate of Carolinas Boyd, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Tabitha*, Daniel Gould, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Pomona*, Reuben Coffin, master, against The United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17393) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals, reported the same without amendment, accompanied by a report (No. 3864); which said bill and report were referred to the House Calendar.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the resolution of the House (H. Res. 459) requesting information of the Secretary of the Navy concerning plans and specifications for the building of the Naval Academy at Annapolis, Md., reported the same with amendments, accompanied by a report (No. 3865); which said resolution and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6779) to quiet certain land titles in the State of Mississippi, reported the same with amendment, accompanied by a report (No. 3866); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the resolution of the House (H. Res. 421) requesting information from the Secretary of the Navy with reference to a permanent programme for the steady increase, equipment, and manning of the Navy of the United States, reported the same with amendments, accompanied by a report (No. 3867); which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY: A bill (H. R. 17513) to amend section 4693 of the Revised Statutes of the United States, relative to invalid pensions—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 17514) to promote and encourage an American merchant marine—to the Committee on Ways and Means.

By Mr. SULZER: A bill (H. R. 17515) to create the Territory of Alaska and to provide for the government of the same—to the Committee on the Territories.

Also, a bill (H. R. 17516) authorizing the North American Telegraph and Cable Company to construct a submarine cable—to the Committee on Interstate and Foreign Commerce.

By Mr. BOREING: A joint resolution (H. J. Res. 279) providing for the printing of the report of the Anthracite Coal Strike Commission—to the Committee on Printing.

By Mr. LOUDENSLAGER: A joint resolution (H. J. Res. 280) directing the Secretary of the Navy to submit a report of the best system of wireless telegraphy and estimate of cost of purchase of same or rights for the use thereof—to the Committee on Naval Affairs.

By Mr. JENKINS: A concurrent resolution (H. C. Res. 94) to print 12,000 copies of the records, briefs, arguments of counsel, and all opinions in the Supreme Court of the United States in the cases of *Francis v. United States* and *Champion v. Ames*—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. Res. 468) relating to consideration of appropriation bills—to the Committee on Rules.

By Mr. LOUDENSLAGER: A resolution (H. Res. 469) for printing for Committee on Pensions—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. Res. 470) changing the rules relative to motion to take a recess—to the Committee on Rules.

By Mr. GARDNER of Massachusetts: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: A memorial of the legislature of Arizona, against annexing any part of said Territory to Utah—to the Committee on the Territories.

By Mr. CORLISS: A resolution of the legislature of Michigan, in favor of the erection of a monument to the memory of Charles V. Gridley—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 17517) granting an increase of pension to Solomon W. Gore—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 17518) granting an increase of pension to Samuel B. Bartley—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 17519) granting an increase of pension to James Howard Stevens—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOREING: Petition of W. S. Smith and other citizens of Monroe County, Ky., in favor of a bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of the convention of Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., favoring the extension of reciprocity—to the Committee on Ways and Means.

Also, resolution of Parsons Division No. 161, Order of Railway Conductors, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of Winfield, Kans., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. BROWN: Petition of Sherry Christian Endeavor Society, of Sherry, Wis., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURKETT: Resolutions of the Omaha (Nebr.) Central Labor Union, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CURTIS: Resolution of the Kansas State Temperance Union, asking for temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of C. S. Albright and other lessees of the Indian Pasture Reserve No. 3, Okla., asking that occupants be given the preference right to lands when open for settlement—to the Committee on Indian Affairs.

By Mr. DAVIDSON: Petitions of the Welsh Calvinistic Methodist churches of Oshkosh and Manchester, Wis., against the repeal of the antieateen law—to the Committee on Military Affairs.

Also, petition of F. A. Cole and other citizens of Omro, Wis., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Menasha, Wis., asking for the passage of Senate bill 909, for the extension of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, petitions of F. A. Wilde and others, of Neenah and Trayser Brothers and others, of New London, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Wisconsin State Horticultural Society, in favor of House bill 8735—to the Committee on the Public Lands.

By Mr. DRAPER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. FOSS: Resolutions of the Chamber of Commerce of San Francisco, Cal., and Merchants and Manufacturers' Board of Trade of New York City, for an increase of the Navy—to the Committee on Naval Affairs.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Osborne County, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUPPERT: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. RYAN: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. SULZER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. WILSON: Resolutions of the Twenty-first Assembly District Democratic Club of Brooklyn, N. Y., protesting against the proposed transfer of the vessels of the American line to the British flag—to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, February 27, 1903.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the claims of the States of New Hampshire, Connecticut, New Jersey, and Rhode Island aggregating \$1,290,611.77, allowed by the Auditor for the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

STEAMERS W. L. EWING AND LOUISVILLE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 31st ultimo, a report by the Auditor for the War Department as to claims made by certain marine insurance companies of Cincinnati and St. Louis; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDAATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered in favor of claimants in Indian depredation cases, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress amounting to \$265,071.86; which, with the accompanying papers, was referred to the Committee of Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. GRIFFITH as a conferee at the conference on the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the District of Alaska," Mr. KLEBERG having resigned.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes;

A bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States;

A bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

A bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Arizona relative to the enactment of legislation to protect the holders of all bonds issued under the authority of the acts of the legislative assembly of that Territory; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Territory of Arizona. Office of the Secretary. United States of America, Territory of Arizona, ss.

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council joint memorial No. 1, adopted by the twenty-second legislative assembly of the Territory of Arizona February 20, 1903, which was filed in this office the 20th day of February, A. D. 1903, at 11.50 o'clock a. m., as provided by law.

In testimony whereof, I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 21st day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,
Secretary of the Territory of Arizona.

Council joint memorial No. 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the council and house of representatives of the twenty-second legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas the loan commission of the Territory of Arizona, in session in the city of Phoenix on the 10th day of February, 1903, ordered funded and are now preparing to forthwith fund in fifty-year 3 per cent bonds of the Territory of Arizona the 150 bonds of \$1,000 each of the county of Pima, issued in 1883 to the Arizona Narrow Gauge Railroad under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883, together with the accrued and unpaid interest thereon, which said bonds and the unpaid interest coupons thereof now amount to the sum of \$317,685; and

Whereas such action on the part of the loan commission of Arizona was in response to a mandate of the supreme court of the Territory of Arizona, issued under the direction of the Supreme Court of the United States, commanding said loan commission to so fund said bonds and interest; and

Whereas said bonds were issued in 1883 to aid in the construction and operation of a railroad between the city of Tucson and the town of Globe, in the Territory of Arizona; and

Whereas said railroad was never constructed and was never intended to be constructed and operated, and the people of the said county of Pima have never received any benefit or advantage whatever for said bonds, and the issue and delivery of said bonds was procured by fraudulent and collusive machinations, on account of which said Pima County has never recognized or acknowledged said bonds as valid, but has at all times refused all demands for interest thereon; and

Whereas said bonds were by the Supreme Court of the United States, at its October, 1894, term, in the case of Lewis v. Pima County (155 U. S. 54), adjudged and declared wholly invalid and void; and

Whereas after said bonds were so declared invalid by the Supreme Court of the United States, the Forty-fourth Congress of the United States, by its act approved June 6, 1896 (Statutes at Large, vol. 29, p. 262), pursuant to a memorial of the eighteenth legislative assembly of the Territory of Arizona, addressed to the Senate and House of Representatives of the United States in Congress assembled (a copy of which memorial is hereto attached), validated certain bonds of the Territory of Arizona and various counties and municipalities thereof; and

Whereas according to the decision of the Supreme Court of the United States in the case of Utter et al. v. Franklin et al., decided January 3, 1899